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ARTES SCIENTIA VERITAS

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# HANSARD'S PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

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17° V I C T O R I Æ, 1854.

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VOL. CXXX.

COMPRISING THE PERIOD FROM

THE THIRTY-FIRST DAY OF JANUARY,

TO

THE TWENTY-SEVENTH DAY OF FEBRUARY, 1854.

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*First Volume of the Session.*

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VOLUME CXXX.

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 II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.  
 III. NEW MEMBERS SWORN.
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*New Sarum*—Edward Pery Buckley, Esq., v. Charles Baring Wall, Esq., deceased.

*Dungarvan*—John Francis Maguire, Esq., Re-elected.

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*Stafford (Southern Division)*—Lord Paget, v. Viscount Lewisham, now Earl of Dartmouth.

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# THE MINISTRY.

## THE CABINET.

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Captain of the Corps of Gentlemen at Arms -	Right Hon. Lord FOLEY.
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Mistress of the Robes -	Duchess of SUTHERLAND.

# ROLL OF THE LORDS SPIRITUAL AND TEMPORAL

IN THE SECOND SESSION OF THE SIXTEENTH PARLIAMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND IRELAND.

---

17<sup>o</sup> VICTORIÆ, 1854.

---

HIS ROYAL HIGHNESS THE PRINCE of  
WALES.

HIS ROYAL HIGHNESS GEORGE FREDERICK  
ALEXANDER CHARLES ERNEST AUGUSTUS  
Duke of CUMBERLAND and TEVIOTDALE.  
(*King of Hanover.*)

HIS ROYAL HIGHNESS GEORGE WILLIAM FRE-  
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JOHN GEORGE Archbishop of ARMAGH.

GRANVILLE GEORGE Earl GRANVILLE, *Lord  
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HENRY Duke of GRAFTON.

HENRY CHARLES FITZROY Duke of BEAU-  
FORT.

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GEORGE CHARLES Marquess CAMDEN.

HENRY WILLIAM Marquess of ANGLESEY.

GEORGE HORATIO Marquess of CHOLMONDE-  
• LEY.

HENRY WEYSFORD CHARLES PLANTAGENET  
Marquess of HASTINGS.

CHARLES Marquess of AILESBUURY.



## ROLL OF THE LORDS SPIRITUAL AND TEMPORAL.

GEORGE THOMAS JOHN Marquess of WESTMEATH. ( <i>Elected for Ireland.</i> )	DAVID GRAHAM DRUMMOND Earl of AIRLIE. ( <i>Elected for Scotland.</i> )
FREDERICK WILLIAM Marquess of BRISTOL.	DAVID Earl of LEVEN and MELVILLE. ( <i>Elected for Scotland.</i> )
ARCHIBALD Marquess of AILSA.	DUNBAR JAMES Earl of SELKIRK. ( <i>Elected for Scotland.</i> )
JOHN Marquess of BREADALBANE. ( <i>In another place as Lord Chamberlain of the Household.</i> )	THOMAS JOHN Earl of ORKNEY. ( <i>Elected for Scotland.</i> )
RICHARD Marquess of WESTMINSTER.	JOHN CHARLES Earl of SEAFIELD. ( <i>Elected for Scotland.</i> )
CONSTANTINE HENRY Marquess of NORMANBY.	WASHINGTON SEWALLIS Earl FERRERS.
JAMES ANDREW Marquess of DALHOUSIE.	WILLIAM WALTER Earl of DARTMOUTH.
FREDERICK Earl SPENCER, <i>Lord Steward of the Household.</i>	CHARLES AUGUSTUS Earl of TANKERVILLE.
BERTRAM ARTHUR, Earl of SHREWSBURY.	HENEAGE Earl of AYLESFORD.
EDWARD GEOFFREY Earl of DERBY.	GEORGE AUGUSTUS Earl COWPER.
FRANCIS THEOPHILUS HENRY Earl of HUNTINGDON.	PHILIP HENRY Earl STANHOPE.
ROBERT HENRY Earl of PEMBROKE and MONTGOMERY.	ROBERT Earl of HARBOROUGH.
WILLIAM Earl of DEVON.	THOMAS AUGUSTUS WOLSTENHOLME Earl of MACCLESFIELD.
CHARLES JOHN Earl of SUFFOLK and BERKSHIRE.	GEORGE WILLIAM RICHARD Earl of POMFRET.
WILLIAM BASIL PERCY Earl of DENBIGH.	JAMES Earl GRAHAM. ( <i>Duke of Montrose.</i> )
JOHN Earl of WESTMORELAND.	WILLIAM Earl WALDEGRAVE.
GEORGE AUGUSTUS FREDERICK ALBEMARLE Earl of LINDSEY.	BERTRAM Earl of ASHBURNHAM.
GEORGE HARRY Earl of STAMFORD and WARRINGTON.	LEICESTER FITZGERALD CHARLES Earl of HARRINGTON.
GEORGE WILLIAM Earl of WINCHILSEA and NOTTINGHAM.	ISAAC NEWTON Earl of PORTSMOUTH.
GEORGE Earl of CHESTERFIELD.	GEORGE GUY Earl BROOKE and Earl of WARWICK.
JOHN WILLIAM Earl of SANDWICH.	AUGUSTUS EDWARD Earl of BUCKINGHAMSHIRE.
ARTHUR ALGERNON Earl of ESSEX.	CHARLES WILLIAM Earl FITZWILLIAM.
JAMES THOMAS Earl of CARDIGAN.	FRANCIS Earl of GUILFORD.
GEORGE WILLIAM FREDERICK Earl of CARLISLE.	CHARLES PHILIP Earl of HARDWICKE.
WALTER FRANCIS Earl of DONCASTER. ( <i>Duke of Buccleuch and Queensberry.</i> )	HENRY STEPHEN Earl of ILCHESTER.
ANTHONY Earl of SHAFTESBURY.	GEORGE JOHN Earl DE LA WARR.
—— Earl of BERKELEY.	WILLIAM Earl of RADNOR.
MONTAGU Earl of ABINGDON.	FREDERICK Earl SPENCER. ( <i>In another place as Lord Steward of the Household.</i> )
JOHN SAVILE Earl of SCARBOROUGH.	HENRY GEORGE Earl BATHURST.
GEORGE THOMAS Earl of ALBEMARLE.	ARTHUR WILLS BLUNDELL SANDYS TRUMBULL WINDSOR Earl of HILLSBOROUGH. ( <i>Marquess of Downshire.</i> )
GEORGE WILLIAM Earl of COVENTRY.	GEORGE WILLIAM FREDERICK Earl of CLARENDON.
GEORGE Earl of JERSEY.	WILLIAM DAVID Earl of MANSFIELD.
JOHN Earl POULETT.	WILLIAM Earl of ABERGAVENNY.
GEORGE SHOLTO Earl of MORTON. ( <i>Elected for Scotland.</i> )	HENRY JOHN Earl TALBOT.
COSPATRICK ALEXANDER Earl of HOME. ( <i>Elected for Scotland.</i> )	GEORGE AUGUSTUS FREDERICK JOHN Earl STRANGE. ( <i>Duke of Athol.</i> )
THOMAS GEORGE Earl of STRATHMORE. ( <i>Elected for Scotland.</i> )	

## ROLL OF THE LORDS

ERNEST AUGUSTUS Earl of MOUNT EDG- CUMBE.	EDMUND Earl of MORLEY.
HUGH Earl FORTESCUE.	GEORGE AUGUSTUS FREDERICK HENRY Earl of BRADFORD.
EDWARD Earl of DIGBY.	HENRY BEAUCHAMP Earl BEAUCHAMP.
GEORGE Earl of BEVERLEY.	RICHARD Earl of GLENGALL. ( <i>Elected for Ireland.</i> )
HENRY HOWARD MOLYNEUX Earl of CAR- NARVON.	THOMAS PHILIP Earl DE GREY.
GEORGE Earl CADOGAN.	JOHN Earl of ELDON.
JAMES HOWARD Earl of MALMESBURY.	RICHARD WILLIAM PENN Earl HOWE.
GEORGE JOHN DANVERS Earl of LANESBO- ROUGH. ( <i>Elected for Ireland.</i> )	CHARLES SOMMERS Earl SOMMERS.
FRANCIS WILLIAM Earl of CHARLEMONT. ( <i>Lord Charlemont.</i> ) ( <i>Elected for Ire- land.</i> )	JOHN EDWARD CORNWALLIS Earl of STRAD- BROKE.
STEPHEN Earl of MOUNT CASHELL. ( <i>Elect- ed for Ireland.</i> )	CHARLES WILLIAM Earl VANE. ( <i>Marquess of Londonderry.</i> )
ROBERT Earl of MAYO. ( <i>Elected for Ire- land.</i> )	WILLIAM PITT Earl AMHERST.
JOHN Earl of ERNE. ( <i>Elected for Ireland.</i> )	JOHN FREDERICK Earl CAWDOR.
JOHN OTWAY O'CONNOR Earl of DESART. ( <i>Elected for Ireland.</i> )	WILLIAM GEORGE Earl of MUNSTER.
WILLIAM Earl of WICKLOW. ( <i>Elected for Ireland.</i> )	WILLIAM Earl of BURLINGTON.
GEORGE CHARLES Earl of LUCAN. ( <i>Elected for Ireland.</i> )	ROBERT DUNDAS Earl of CAMPERDOWN.
JAMES Earl of BANDON. ( <i>Elected for Ire- land.</i> )	THOMAS WILLIAM Earl of LICHFIELD.
JAMES DUPRÉ Earl of CALEDON. ( <i>Elected for Ireland.</i> )	GEORGE FREDERICK D'ARCY Earl of DUR- HAM.
JAMES ALEXANDER Earl of ROSSLYN.	FREDERICK JOHN Earl of RIPON.
WILLIAM Earl of CRAVEN.	GRANVILLE GEORGE Earl GRANVILLE. ( <i>In another place as Lord President of the Council.</i> )
ARTHUR GEORGE Earl of ONSLOW.	HENRY Earl of EFFINGHAM.
CHARLES Earl of ROMNEY.	HENRY JOHN Earl of DUCIE.
HENRY THOMAS Earl of CHICHESTER.	CHARLES ANDERSON WORSLEY Earl of YAR- BOROUGH.
THOMAS Earl of WILTON.	JAMES HENRY ROBERT Earl INNES. ( <i>Duke of Roxburghe.</i> )
EDWARD JAMES Earl of POWIS.	THOMAS WILLIAM Earl of LEICESTER.
HORATIO Earl NELSON.	WILLIAM Earl of LOVELACE.
WILLIAM Earl of ROSSE. ( <i>Elected for Ire- land.</i> )	THOMAS Earl of ZETLAND.
CHARLES HERBERT Earl MANVERS.	CHARLES NOEL Earl of GAINSBOROUGH.
HORATIO Earl of ORFORD.	WILLIAM FITZHARDINGE Earl FITZHARDINGE.
HENRY Earl GREY.	EDWARD Earl of ELLENBOROUGH.
WILLIAM Earl of LONSDALE.	FRANCIS Earl of ELLESMERE.
DUDLEY Earl of HARROWBY.	JOHN Earl of STRAFFORD.
HENRY Earl of HAREWOOD.	CHARLES EDWARD Earl of COTTENHAM.
GILBERT Earl of MINTO.	
CHARLES MURRAY Earl CATHCART.	ROBERT Viscount HEREFORD.
JAMES WALTER Earl of VERULAM.	WILLIAM HENRY Viscount STRATHALLAN. ( <i>Elected for Scotland.</i> )
JOHN WILLIAM SPENCER BROWNLOW Earl BROWNLOW.	HENRY Viscount BOLINGBROKE and ST. JOHN.
EDWARD GRANVILLE Earl of SAINT GER- MANS.	EVELYN Viscount FALMOUTH.
	GEORGE Viscount TORRINGTON.
	AUGUSTUS FREDERICK Viscount LEINSTER, ( <i>Duke of Leinster.</i> )

## SPIRITUAL AND TEMPORAL.

HENRY Viscount MAYNARD.  
 JOHN ROBERT Viscount SYDNEY.  
 FRANCIS WHEELER Viscount HOOD.  
 JOHN Viscount DE VESCI. (*Elected for Ireland.*)  
 HAYES Viscount DONERAILE. (*Elected for Ireland.*)  
 CORNWALLIS Viscount HAWARDEN. (*Elected for Ireland.*)  
 JOHN BRUCE RICHARD Viscount O'NEILL. (*Elected for Ireland.*)  
 EDWARD JERVIS Viscount ST. VINCENT.  
 HENRY Viscount MELVILLE.  
 WILLIAM LEONARD Viscount SIDMOUTH.  
 ROBERT EDWARD Viscount LORTON. (*Elected for Ireland.*)  
 GEORGE Viscount GORDON. (*Earl of Aberdeen.*)  
 EDWARD Viscount EXMOUTH.  
 RICHARD JOHN Viscount HUTCHINSON. (*Earl of Donoughmore.*)  
 WILLIAM THOMAS Viscount CLANCARTY. (*Earl of Clancarty.*)  
 STAPLETON Viscount COMBERMERE.  
 CHARLES JOHN Viscount CANNING.  
 CHARLES JOHN Viscount CANTERBURY.  
 JOHN Viscount PONSONBY.  
 ROWLAND Viscount HILL.  
 HENRY Viscount HARDINGE.  
 HUGH Viscount GOUGH.  
 STRATFORD Viscount STRATFORD DE REDCLIFFE.

CHARLES JAMES Bishop of LONDON.  
 EDWARD Bishop of DURHAM.  
 CHARLES RICHARD Bishop of WINCHESTER.  
 CHRISTOPHER Bishop of BANGOR.  
 HUGH Bishop of CARLISLE.  
 GEORGE Bishop of ROCHESTER.  
 RICHARD Bishop of BATH and WELLS.  
 JAMES HENRY Bishop of GLOUCESTER and BRISTOL.  
 HENRY Bishop of EXETER.  
 CHARLES THOMAS Bishop of RIPON.  
 EDWARD Bishop of SALISBURY.  
 GEORGE Bishop of PETERBOROUGH.  
 CONNOP Bishop of ST. DAVID'S.  
 HENRY Bishop of WORCESTER.  
 ASHURST TURNER Bishop of CHICHESTER.  
 JOHN Bishop of LICHFIELD.  
 THOMAS Bishop of ELY.

SAMUEL Bishop of OXFORD.  
 THOMAS VOWLER Bishop of ST. ASAPH.  
 JAMES PRINCE Bishop of MANCHESTER.  
 RENN DICKSON Bishop of HEREFORD.  
 JOHN Bishop of CHESTER.  
 SAMUEL Bishop of NORWICH.  
 ALFRED Bishop of LLANDAFF.  
 ROBERT Bishop of DOWN, CONNOR, AND DROMORE.  
 JAMES THOMAS Bishop of LEIGHLIN, FERNS, AND OSSORY.  
 JAMES Bishop of CORK, CLOYNE, AND ROSS.  
 WILLIAM LENNOX LASCELLES Lord DE ROS.  
 JACOB Lord HASTINGS.  
 GEORGE EDWARD Lord AUDLEY.  
 PETER ROBERT Lord WILLOUGHBY DE ERESBY.  
 THOMAS CROSBY WILLIAM Lord DACRE.  
 CHARLES RODOLPH Lord CLINTON.  
 THOMAS Lord CAMOYS.  
 MILES THOMAS Lord BEAUMONT.  
 CHARLES Lord STOURTON.  
 HENRY WILLIAM Lord BERNERS.  
 ROBERT JOHN Lord WILLOUGHBY DE BROKE.  
 GEORGE Lord VAUX of HARROWDEN.  
 HENRY Lord PAGET.  
 ST. ANDREW BEAUCHAMP Lord ST. JOHN of BLETSO.  
 CHARLES AUGUSTUS Lord HOWARD DE WALDEN.  
 WILLIAM BERNARD Lord PETRE.  
 FREDERICK BENJAMIN Lord SAYE and SELE.  
 HENRY BENEDICT Lord ARUNDELL of WARDOUR.  
 JOHN STUART Lord CLIFTON. (*Earl of Darnley.*)  
 JOSEPH THADDEUS Lord DORMER.  
 GEORGE HENRY Lord TEYNHAM.  
 HENRY VALENTINE Lord STAFFORD.  
 GEORGE ANSON Lord BYRON.  
 WILLIAM Lord WARD.  
 HUGH CHARLES Lord CLIFFORD of CHUDLEIGH.  
 JOHN Lord GRAY. (*Elected for Scotland.*)  
 CHARLES Lord SINCLAIR. (*Elected for Scotland.*)  
 JOHN Lord ELPHINSTONE. (*Elected for Scotland.*)  
 CHARLES Lord BLANTYRE. (*Elected for Scotland.*)

## ROLL OF THE LORDS

CHARLES JOHN Lord COLVILLE of CULROSS. ( <i>Elected for Scotland.</i> )	RANDOLPH Lord STEWART of GARLIES. ( <i>Earl of Galloway.</i> )
HENRY FRANCIS Lord POLWARTH. ( <i>Elected for Scotland.</i> )	JAMES THOMAS Lord SALTERSFORD. ( <i>Earl of Courtoun.</i> )
EDMUND Lord BOYLE. ( <i>Earl of Cork and Orrery.</i> )	CHARLES Lord BRODRICK. ( <i>Viscount Middle- ton.</i> )
THOMAS ROBERT Lord HAY. ( <i>Earl of Kinnoul.</i> )	FREDERICK Lord CALTHORPE.
DIGBY Lord MIDDLETON.	ROBERT JOHN Lord CARRINGTON.
WILLIAM JOHN Lord MONSON.	HENRY Lord BAYNING.
GEORGE WILLIAM FREDERICK Lord BRUCE.	WILLIAM HENRY Lord BOLTON.
GEORGE JOHN BRABAZON Lord PONSONBY. ( <i>Earl of Bessborough.</i> )	JOHN Lord WODEHOUSE.
GEORGE JOHN Lord SONDES.	JOHN Lord NORTHWICK.
NATHANIEL Lord SCARSDALE.	THOMAS ATHERTON Lord LILFORD.
GEORGE Lord BOSTON.	THOMAS Lord RIBBLESDALE.
HENRY EDWARD Lord HOLLAND.	RICHARD HOBART Lord FITZGIBBON. ( <i>Earl of Clare.</i> )
GEORGE JAMES Lord LOVEL and HOLLAND. ( <i>Earl of Egmont.</i> )	CADWALLADER DAVIS Lord BLAYNEY. ( <i>Elect- ed for Ireland.</i> )
GEORGE JOHN Lord VERNON.	HENRY Lord FARNHAM. ( <i>Elected for Ire- land.</i> )
GEORGE DOUGLAS Lord SUNDRIDGE. ( <i>Duke of Argyll.</i> ) ( <i>In another place as Lord Privy Seal.</i> )	JOHN CAVENDISH Lord KILMAINE. ( <i>Elected for Ireland.</i> )
EDWARD WILLIAM Lord HAWKE.	ROBERT Lord CLONBROCK. ( <i>Elected for Ireland.</i> )
THOMAS HENRY Lord FOLEY.	EDWARD Lord CROFTON. ( <i>Elected for Ire- land.</i> )
GEORGE RICE Lord DYNEVOR.	HENRY Lord DUNALLEY. ( <i>Elected for Ire- land.</i> )
THOMAS Lord WALSINGHAM.	EYRE Lord CLARINA. ( <i>Elected for Ireland.</i> )
WILLIAM Lord BAGOT.	HENRY FRANCIS SEYMOUR Lord MOORE. ( <i>Marquess of Drogheda.</i> )
CHARLES Lord SOUTHAMPTON.	JOHN HENRY LOFTUS Lord LOFTUS. ( <i>Mar- quess of Ely.</i> )
FLETCHER Lord GRANTLEY.	JOHN Lord CARYSFORT. ( <i>Earl of Carysfort.</i> )
ROBERT DENNETT Lord RODNEY.	RICHARD PEPPER Lord ALVANLEY.
RICHARD NOEL Lord BERWICK.	GEORGE RALPH Lord ABERCROMBY.
JOHN Lord SHERBORNE.	JOHN THOMAS Lord REDESDALE.
HENRY Lord TYRONE. ( <i>Marquess of Wa- terford.</i> )	GEORGE Lord RIVERS.
RICHARD Lord CARLETON. ( <i>Earl of Shan- non.</i> )	ARTHUR MOYSES WILLIAM Lord SANDYS.
CHARLES Lord SUFFIELD.	GEORGE AUGUSTUS FREDERICK CHARLES Lord SHEFFIELD. ( <i>Earl of Sheffield.</i> )
GUY Lord DORCHESTER.	DAVID MONTAGU Lord ERSKINE.
GEORGE Lord KENYON.	GEORGE JOHN Lord MONT EAGLE. ( <i>Mar- quess of Sligo.</i> )
RICHARD Lord BRAYBROOKE.	ARCHIBALD WILLIAM Lord ARDROSSAN. ( <i>Earl of Eglintoun.</i> )
GEORGE HAMILTON Lord FISHERWICK. ( <i>Mar- quess of Donegal.</i> )	JAMES Lord LAUDERDALE. ( <i>Earl of Lau- derdale.</i> )
JAMES Lord DOUGLAS of DOUGLAS.	GEORGE ARTHUR HASTINGS Lord GRANARD. ( <i>Earl of Granard.</i> )
HENRY HALL Lord GAGE. ( <i>Viscount Gage.</i> )	HUNGERFORD Lord CREWE.
EDWARD THOMAS Lord THURLOW.	ALAN LEGGE Lord GARDNER.
ROBERT JOHN Lord AUCKLAND.	
GEORGE WILLIAM Lord LYTTTELTON.	
HENRY Lord MENDIP. ( <i>Viscount Clifden.</i> )	
FRANCIS Lord STUART of CASTLE STUART. ( <i>Earl of Moray.</i> )	

## SPIRITUAL AND TEMPORAL.

JOHN THOMAS Lord MANNERS.

JOHN ALEXANDER Lord HOPETOUN. (*Earl of Hopetoun.*)

RICHARD Lord CASTLEMAINE. (*Elected for Ireland.*)

CHARLES Lord MELDRUM. (*Marquess of Huntly.*)

JAMES Lord ROSS. (*Earl of Glasgow.*)

WILLIAM WILLOUGHBY Lord GRINSTEAD. (*Earl of Enniskillen.*)

WILLIAM HENRY TENNISON Lord FOXFORD. (*Earl of Limerick.*)

FRANCIS GEORGE Lord CHURCHILL.

GEORGE FRANCIS ROBERT Lord HARRIS.

CHARLES Lord COLCHESTER.

WILLIAM SCHOMBERG ROBERT Lord KER. (*Marquess of Lothian.*)

FRANCIS NATHANIEL Lord MINSTER. (*Marquess Conyngham.*)

JOHN Lord ORMONDE. (*Marquess of Ormonde.*)

FRANCIS Lord WEMYSS. (*Earl of Wemyss.*)

ROBERT Lord CLANBRASSILL. (*Earl of Roden.*)

ROBERT Lord KINGSTON. (*Earl of Kingston.*)

EDWARD MICHAEL Lord SILCHESTER. (*Earl of Longford.*)

WILLIAM Lord MARYBOROUGH. (*Earl of Mornington.*)

JOHN Lord ORIEL. (*Viscount Massereene.*)

THOMAS HENRY Lord RAVENSWORTH.

THOMAS Lord DELAMERE.

JOHN GEORGE WELD Lord FORESTER.

JOHN JAMES Lord RAYLEIGH.

ULYSSES Lord DOWNES. (*Elected for Ireland.*)

ROBERT FRANCIS Lord GIFFORD.

PERCY CLINTON SYDNEY Lord PENSHURST. (*Viscount Strangford.*)

ULICK JOHN Lord SOMERHILL. (*Marquess of Clanricarde.*)

JAMES Lord WIGAN. (*Earl of Crawford and Balcarres.*)

THOMAS Lord RANFURLY. (*Earl of Ranfurly.*)

GEORGE Lord DE TABLEY.

JOHN Lord WHARNCLIFFE.

WILLIAM Lord FEVERSHAM.

JOHN SINGLETON Lord LYNDHURST.

JAMES Lord FIFE. (*Earl of Fife.*)

JOHN HENRY Lord TENTERDEN.

THOMAS SPAN Lord PLUNKET.

THOMAS Lord MELROS. (*Earl of Had-dington.*)

HENRY RICHARD CHARLES Lord COWLEY.

WILLIAM Lord HEYTESBURY.

ARCHIBALD JOHN Lord ROSEBERY. (*Earl of Rosebery.*)

RICHARD Lord CLANWILLIAM. (*Earl of Clanwilliam.*)

EDWARD Lord SKELMERSDALE.

WILLIAM SAMUEL Lord WYNFORD.

HENRY Lord BROUGHAM and VAUX.

WILLIAM HENRY Lord KILMARNOCK. (*Earl of Erroll.*)

ARTHUR JAMES Lord FINGALL. (*Earl of Fingall.*)

CHARLES WILLIAM Lord SEFTON. (*Earl of Sefton.*)

NATHANIEL Lord CLEMENTS. (*Earl of Lei-trim.*)

GEORGE WILLIAM FOX Lord ROSSIE. (*Lord Kinnaird.*)

THOMAS Lord KENLIS. (*Marquess of Head-fort.*)

WILLIAM Lord CHAWORTH. (*Earl of Meath.*)

CHARLES ADOLPHUS Lord DUNMORE. (*Earl of Dunmore.*)

ROBERT MONTGOMERIE Lord HAMILTON. (*Lord Belhaven and Stenton.*)

JOHN HOBART Lord HOWDEN.

FOX Lord PANMURE.

GEORGE WARWICK Lord POLTIMORE.

EDWARD PRYCE Lord MOSTYN.

HENRY SPENCER Lord TEMPLEMORE.

EDWARD Lord CLONCURRY.

JAMES Lord DE SAUMAREZ.

GEORGE GODOLPHIN Lord GODOLPHIN.

LUCIUS BENTINCK Lord HUNSDON. (*Vis-count Falkland.*)

THOMAS Lord DENMAN.

ROBERT CAMPBELL Lord ABINGER.

PHILIP Lord DE L'ISLE and DUDLEY.

WILLIAM BINGHAM Lord ASHBURTON.

CHARLES Lord GLENELG.

EDWARD JOHN Lord HATHERTON.

GEORGE STEVENS Lord STRAFFORD.

ARCHIBALD Lord WORLINGHAM. (*Earl of Gosford.*)

EDWARD BERKELEY Lord PORTMAN.

THOMAS ALEXANDER Lord LOVAT.

WILLIAM BATEMAN Lord BATEMAN.

## ROLL OF THE LORDS SPIRITUAL AND TEMPORAL.

FRANCIS WILLIAM Lord CHARLEMONT. ( <i>In another place as Earl of Charlemont.</i> )	EDWARD ARTHUR WELLINGTON Lord KEANE.
FRANCIS ALEXANDER Lord KINTORE. ( <i>Earl of Kintore.</i> )	JOHN Lord CAMPBELL.
CORNELIUS Lord LISMORE. ( <i>Viscount Lis-</i> <i>more.</i> )	NORTH Lord OXENFOORD. ( <i>Earl of</i> <i>Stair.</i> )
HENRY ROBERT Lord ROSSMORE.	CHARLES CRESPIGNY Lord VIVIAN.
ROBERT SHAPLAND Lord CAREW.	JOHN Lord CONGLETON.
WILLIAM FRANCIS SPENCER, Lord De MAULEY.	DENIS ST. GEORGE Lord DUNSANDLE AND CLANCONAL. ( <i>Elected for Ireland.</i> )
JOHN Lord WROTTESLEY.	RICHARD Lord DARTREY. ( <i>Lord Cremorne.</i> )
CHARLES Lord SUDELEY.	RICHARD BULKELEY PHILIPPS Lord MIL- FORD.
FREDERICK HENRY PAUL Lord METHUEN.	JAMES Lord ELGIN. ( <i>Earl of Elgin and</i> <i>Kincardine.</i> )
EDWARD JOHN Lord STANLEY of ALDERLEY.	FREDERICK TEMPLE Lord CLANDEBOYE. ( <i>Lord Dufferin and Claneboye.</i> )
HENRY Lord STUART DE DECIES.	ALBERT DENISON Lord LONDESBOROUGH.
WILLIAM HENRY Lord LEIGH.	SAMUEL JONES Lord OVERSTONE.
BEILBY RICHARD Lord WENLOCK.	THOMAS Lord TRURO.
CHARLES Lord LURGAN.	ROBERT MONSEY Lord CRANWORTH. ( <i>In</i> <i>another place as Lord Chancellor.</i> )
NICHOLAS WILLIAM Lord COLBORNE.	JOHN CAM Lord BROUGHTON.
ARTHUR Lord DE FREYNE.	EDWARD BURTENSHAW Lord SAINT LEO- NARDS.
JAMES Lord DUNFERMLINE.	FITZROY JAMES HENRY Lord RAGLAN.
THOMAS SPRING Lord MONTEAGLE of BRAN- DON.	
JOHN Lord SEATON.	

**MEM.**—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*



# LIST OF THE COMMONS.

## LIST OF MEMBERS

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHES, TO SERVE  
IN THE *SIXTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN*  
*AND IRELAND*: AMENDED TO THE OPENING OF THE SECOND SESSION ON THE  
31ST DAY OF JANUARY, 1854.

<p><b>ABINGDON.</b> Hon. Montague (Bertie) Lord Norreys.</p> <p><b>ANDOVER.</b> William Cubitt, Henry Beaumont Coles.</p> <p><b>ANGLESEY.</b> Sir Richard Bulkeley Wil- liams Bulkeley, bt.</p> <p><b>ARUNDEL.</b> Rt. hon. (Edward Howard) Lord E. Howard.</p> <p><b>ASHBURTON.</b> George Moffatt.</p> <p><b>ASHTON-UNDER-LINE.</b> Charles Hindley.</p> <p><b>AYLESBURY.</b> Austen Henry Layard, Sir Richard Bethell, knt.</p> <p><b>BANBURY.</b> Henry William Tancred.</p> <p><b>BARNSTAPLE.</b></p> <p><b>BATH.</b> George Treweeke Scobell, Thomas Phinn.</p> <p><b>BEAUMARIS.</b> Hon. (George Augustus Fre- derick Paget) Lord G. A. F. Paget.</p> <p><b>BEDFORDSHIRE.</b> Francis Charles Hastings Russell, Richard Thomas Gilpin.</p> <p><b>BEDFORD.</b> Henry Stuart, Samuel Whitbread.</p>	<p><b>BERKSHIRE.</b> George Henry Vansittart, Robert Palmer, Rt. hon. William (Keppel) Viscount Barrington.</p> <p><b>BERWICK-UPON-TWEED.</b> Dudley Coutts Majoribanks, John Forster.</p> <p><b>BEVERLEY.</b> Hon. Francis Charles Law- ley, William Wells.</p> <p><b>BEWDLEY.</b> Sir Thomas Edward Win- nington, bt.</p> <p><b>BIRMINGHAM.</b> George Frederick Muntz, William Scholefield.</p> <p><b>BLACKBURN.</b> James Pilkington, Montague Joseph Feilden.</p> <p><b>BODMIN.</b> William Michell, Charles Brune Graves Sawle.</p> <p><b>BOLTON-LE-MOORS.</b> Thomas Barnes, Joseph Crook.</p> <p><b>BOSTON.</b> Gilbert Henry Heathcote, Benjamin Bond Cabbell.</p> <p><b>BRADFORD.</b> Robert Milligan, Henry Wickham Wickham.</p> <p><b>BRECKNOCKSHIRE.</b> Sir Joseph Bailey, bt.</p> <p><b>BRECKNOCK.</b></p> <p><b>BRIDGENORTH.</b> Henry Whitmore, John Pritchard.</p>	<p><b>BRIDGEWATER.</b> Charles John Kemeys Tynte, Brent Spencer Follett.</p> <p><b>BRIDPORT.</b> Thomas Alexander Mitchell, John Patrick Marrough.</p> <p><b>BRIGHTELMSTONE.</b> Sir George Richard Pechell, bt., Hon. (Alfred Hervey) Lord A. Hervey.</p> <p><b>BRISTOL.</b> Hon. Francis Henry Fitz- hardinge Berkeley, William Henry Gore Lang- ton.</p> <p><b>BUCKINGHAMSHIRE.</b> Caledon George Du Pré, Rt. hon. Benjamin Disraeli, Hon. Charles Compton Ca- vendish.</p> <p><b>BUCKINGHAM.</b> Rt. hon. Richard Plantage- net Campbell (Chandos- Grenville) Marquess of Chandos, John Hall.</p> <p><b>BURY.</b> Frederick Peel.</p> <p><b>BURY ST. EDMUND'S.</b> Rt. hon. Frederick William (Hervey) Earl Jermyn, James Henry Porteous Oakes.</p> <p><b>CALNE.</b> Hon. Henry Petty (Fitz- maurice) Earl of Shel- burne.</p> <p><b>CAMBRIDGESHIRE.</b> Hon. Eliot Thomas Yorke, Hon. (George John Manners) Lord G. J. Manners, Edward Ball.</p>
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<i>List of</i>	<b>{ COMMONS }</b>	<i>Members.</i>
CAMBRIDGE (UNIVERSITY). Rt. hon. Henry Goulburn, Loftus Tottenham Wigram.	CHIPPENHAM. Joseph Neeld, Henry George Boldero.	DERBY. Michael Thomas Bass, Laurence Heyworth.
CAMBRIDGE.	CHRISTCHURCH. John Edward Walcott.	DEVIZES. George Heneage Walker Heneage, John Neilson Gladstone.
CANTERBURY.	CIRENCESTER. John Randolph Mullings, Hon. Ashley George John Ponsonby.	DEVONPORT. Rt. hon. Henry Tufnell, Sir George Frederick Berke- ley, K.C.B.
CARDIFF. Walter Coffin.	CLITHEROE.	DEVONSHIRE. ( <i>Northern Division.</i> ) Sir Thomas Dyke Acland, bt., Lewis William Buck.
CARDIGANSHIRE. William Edward Powell.	COCKERMOUTH. Henry Wyndham, Henry Aglionby Aglionby.	( <i>Southern Division.</i> ) Sir John Buller Yarde Buller, bt., Sir Ralph Lopes, bt.
CARDIGAN. Pryse Loveden.	COLCHESTER. William Warwick Hawkins, Rt. hon. (John James Robert Manners) Lord J. J. R. Manners.	DORCHESTER. Richard Brinsley Sheridan, Henry Gerard Sturt.
CARLISLE. Rt. hon. Sir James Robert George Graham, bt., Joseph Ferguson.	CORNWALL. ( <i>Eastern Division.</i> ) Thomas James Agar Ro- bartes, Nicholas Kendall.	DORSETSHIRE. Rt. hon. George Bankes, Henry Ker Seymer, John Floyer.
CARMARTHENSHIRE. David Arthur Saunders Davies, David Jones.	( <i>Western Division.</i> ) Michael Williams, Sir Charles Lemon, bt.	DOVOR. Hon. Henry Charles (Cado- gan) Viscount Chelsea, Edward Royd Rice.
CARMARTHEN. David Morris.	COVENTRY. Rt. hon. Edward Ellice, Charles Geach.	DROITWICH. Rt. hon. Sir John Somerset Pakington, bt.
CARNARVONSHIRE. Hon. Edward Gordon Doug- las Pennant.	CRICKLADE. John Neeld, Ambrose Lethbridge God- dard.	DUDLEY. John Benbow.
CARNARVON. William Bulkeley Hughes.	CUMBERLAND. ( <i>Eastern Division.</i> ) Hon. Charles Wentworth George Howard, William Marshall.	DURHAM. ( <i>Northern Division.</i> ) Robert Duncombe Shafto, Hon. George Henry Rob- ert Charles (Vane) Vis- count Seaham.
CHATHAM. Leicester Viney Vernon.	( <i>Western Division.</i> ) Henry Lowther, Samuel Irton.	( <i>Southern Division.</i> ) Hon. (Harry George Vane) Lord H. G. Vane, James Farrer.
CHELTENHAM. Hon. Craven Fitzhardinge Berkeley.	DARTMOUTH. Sir Thomas Herbert, K.C.B.	DURHAM (CITY). Robert John Mowbray, William Atherton.
CHESHIRE. ( <i>Northern Division.</i> ) William Tatton Egerton, George Cornwall Legh.	DENBIGHSHIRE. Sir Watkin Williams Wynn, bt., Robert Myddelton Biddulph.	ESSEX. ( <i>Northern Division.</i> ) Sir John Tyssen Tyrell, bt., Rt. hon. William Beresford.
( <i>Southern Division.</i> ) Sir Philip de Malpas Grey Egerton, bt., John Tollemache.	DENBIGH. Frederick Richard West.	( <i>Southern Division.</i> ) Thomas William Bramston, Sir William Bowyer Smijth, bt.
CHESTER. Hon. Hugh Lupus (Gros- venor) Earl Grosvenor, Hon. William Owen Stan- ley.	DERBYSHIRE. ( <i>Northern Division.</i> ) Hon. George Henry Caven- dish, William Pole Thornhill.	
CHICHESTER. John Abel Smith, Hon. (George Charles Henry Gordon Lennox) Lord G. C. H. G. Lennox.	( <i>Southern Division.</i> ) Charles Robert Colville, William Mundy.	

<i>List of</i>	{COMMONS}	<i>Members.</i>
<b>EVESHAM.</b> Sir Henry Pollard Wilmoughby, bt., Charles Lennox Grenville Berkeley.	<b>HALIFAX.</b> Rt. hon. Sir Charles Wood, bt., Frank Crossley.	<b>HYTHE.</b> Edward Drake Brockman.
<b>EXETER.</b> Sir John Thomas Buller Duckworth, bt., Edward Divett.	<b>HAMPSHIRE.</b> ( <i>Northern Division.</i> ) Rt. hon. Charles Shaw Lefevre, Melville Portal.	<b>IPSWICH.</b> John Chevallier Cobbold, Hugh Edward Adair.
<b>EYE.</b> Edward Clarence Kerrison.	( <i>Southern Division.</i> ) Henry Combe Compton, Hon. (William Henry Hugh Cholmondeley) Lord W. H. H. Cholmondeley.	<b>KENDAL.</b> George Carr Glyn.
<b>FINSBURY.</b> Thomas Challis, Thomas Slingsby Duncombe.	<b>HARWICH.</b> John Bagshaw, David Waddington.	<b>KENT.</b> ( <i>Eastern Division.</i> ) Sir Edward Cholmeley Dering, bt., William Deedes.
<b>FLINTSHIRE.</b> Hon. Edward Mostyn Lloyd Mostyn.	<b>HASTINGS.</b> Patrick Francis Robertson, Musgrave Briscoe.	( <i>Western Division.</i> ) Sir Edmund Filmer, bt., William Masters Smith.
<b>FLINT.</b> Sir John Hanmer, bt.	<b>HAVERFORDWEST.</b> John Henry Philipps.	<b>KIDDERMINSTER.</b> Robert Lowe.
<b>FROME.</b> Hon. Robert Edward Boyle.	<b>HELSTON.</b> Sir Richard Rawlinson Vyvyan, bt.	<b>KING'S LYNN.</b> Hon. Robert (Jocelyn) Viscount Jocelyn. Hon. Edward Henry (Stanley) Lord Stanley.
<b>GATESHEAD.</b> William Hutt.	<b>HEREFORDSHIRE.</b> James King King, Thomas William Booker, Charles Spencer Bateman Hanbury.	<b>KINGSTON-UPON-HULL.</b>
<b>GLAMORGANSHIRE.</b> Christopher Rice Mansel Talbot, Sir George Tyler, knt.	<b>HEREFORD.</b> Sir Robert Price, bt., Henry Morgan Clifford.	<b>KNARESBOROUGH.</b> John Dent Dent, Basil Thomas Woodd.
<b>GLOUCESTERSHIRE.</b> ( <i>Eastern Division.</i> ) Christopher William Codrington, Sir Michael Hicks Hicks Beach, bt.	<b>HERTFORDSHIRE.</b> Thomas Plumer Halsey, Sir Henry Meux, bt., Sir Edward George Earle Lytton Bulwer Lytton, bt.	<b>LAMBETH.</b> William Arthur Wilkinson, William Williams.
( <i>Western Division.</i> ) Robert Nigel Fitzhardinge Kingscote, Robert Blagden Hale.	<b>HERTFORD.</b> Hon. William Francis Cowper, Thomas Chambers.	<b>LANCASHIRE.</b> ( <i>Northern Division.</i> ) John Wilson Patten, James Heywood.
<b>GLOUCESTER.</b> William Philip Price, Hon. Maurice Frederick Fitzhardinge Berkeley.	<b>HONITON.</b> Joseph Locke, Sir James Weir Hogg, bt.	( <i>Southern Division.</i> ) William Brown, John Cheetham.
<b>GRANTHAM.</b> Glynne Earle Welby, Hon. (Montagu William Graham) Lord M. W. Graham.	<b>HORSHAM.</b> William Robert Seymour Vesey FitzGerald.	<b>LANCASTER.</b> Samuel Gregson, Robert Baynes Armstrong.
<b>GREENWICH.</b> Peter Rolt, Montagu Chambers.	<b>HUDDERSFIELD.</b> Hon. George Frederick Samuel (Robinson) Viscount Goderich.	<b>LAUNCESTON.</b> Hon. Josceline, William Percy.
<b>GRIMSBY (GREAT).</b> Rt. hon. William Richard (Annesley) Earl of Annesley.	<b>HUNTINGDONSHIRE.</b> Edward Fellowes, Hon. William Drogo (Montagu) Viscount Mandeville.	<b>LEEDS.</b> Sir George Goodman, knt., Rt. hon. Matthew Talbot Baines.
<b>GUILDFORD.</b> Ross Donnelly Mangles, James Bell.	<b>HUNTINGDON.</b> Jonathan Peel, Thomas Baring.	<b>LEICESTERSHIRE.</b> ( <i>Northern Division.</i> ) Edward Basil Farnham, Hon. Charles Cecil John (Manners) Marquess of Granby.
		( <i>Southern Division.</i> ) Sir Henry Halford, bt., Charles William Packe.

<i>List of</i>	{COMMONS}	<i>Members.</i>
LEICESTER. Sir Joshua Walmsley, knt., Richard Gardner.	MALMESBURY. Thomas Luce.	NEWPORT. William Biggs, William Nathaniel Massey.
LEOMINSTER. George Arkwright, John George Phillimore.	MALTON. Hon. Charles William Wentworth Fitzwilliam, John Evelyn Denison.	NORFOLK. ( <i>Eastern Division.</i> ) Henry Negus Burroughes, Edmund Wodehouse.
LEWES. Hon. Henry FitzRoy, Hon. Henry Brand.	MANCHESTER. Rt. hon. Thomas Milner Gibson, John Bright.	( <i>Western Division.</i> ) William Bagge, George William Pierrepont Bentinck.
LICHFIELD. Hon. Thomas William (Anson) Viscount Anson, Hon. (Alfred Henry Paget) Lord A. H. Paget.	MARLBOROUGH. Rt. hon. (Ernest Augustus Charles Brudenell Bruce) Lord E. A. C. B. Bruce, Henry Bingham Baring.	NORTHALLERTON. William Battie Wrightson.
LINCOLNSHIRE. ( <i>Parts of Lindsey.</i> ) Rt. hon. Robert Adam Christopher, James Banks Stanhope.	MARLOW (GREAT). Thomas Peers Williams, Brownlow William Knox.	NORTHAMPTONSHIRE. ( <i>Northern Division.</i> ) Stafford Augustus O'Brien Stafford, Thomas Philip Maunsell.
( <i>Parts of Kesteven and Holland.</i> ) Hon. William Alleyne (Cecil) Lord Burghley, Sir John Trollope, bt.	MARYLEBONE. Hon. (Dudley Coutts Stuart) Lord D. C. Stuart, Sir Benjamin Hall, bt.	( <i>Southern Division.</i> ) Richard Henry Richard Howard Vyse, Rainald Knightley.
LINCOLN. Charles De Laet Waldo Sibthorp, George Fieschi Heneage.	MERIONETHSHIRE. William Watkin Edward Wynne.	NORTHAMPTON. Rt. hon. Robert Vernon Smith, Raikes Currie.
LISKEARD. Richard Budden Crowder.	MERTHYR TYDVIL. Henry Austin Bruce.	NORTHUMBERLAND. ( <i>Northern Division.</i> ) Hon. Algernon George (Percy) Lord Lovaine, Hon. Charles (Bennett) Lord Ossulston.
LIVERPOOL. Hon. Henry Thomas Liddell, Thomas Berry Horsfall.	MIDDLESEX. Rt. hon. (Robert Grosvenor) Lord R. Grosvenor, Ralph Bernal Osborne.	( <i>Southern Division.</i> ) Wentworth Blackett Beaumont, Henry George Liddell.
LONDON. John Masterman, Rt. hon. (John Russell) Lord J. Russell, Sir James Duke, bt., Lionel Nathan (Baron) De Rothschild.	MIDHURST. Rt. hon. Spencer Horatio Walpole.	NORWICH. Samuel Morton Peto, Edward Warner.
LUDLOW. Robert Clive, Hon. (William John Frederick Powlett) Lord W. J. F. Powlett.	MONMOUTHSHIRE. Charles Octavius Swinerton Morgan, Edward Arthur Somerset.	NOTTINGHAMSHIRE. ( <i>Northern Division.</i> ) Hon. (Henry William Cavendish Bentinck) Lord H. W. C. Bentinck, Hon. (Robert Renebald Pelham-Clinton) Lord R. R. Clinton.
LYME REGIS. William Pinney.	MONMOUTH. Crawshay Bailey.	( <i>Southern Division.</i> ) William Hodgson Barrow, Hon. Charles (Pierrepont) Viscount Newark.
LYMINGTON. Sir John Rivett Carnac, bt., Edward John Hutchins.	MONTGOMERYSHIRE. Herbert Watkins Williams Wynn.	NOTTINGHAM. Rt. hon. Edward Strutt, John Walter.
MACCLESFIELD. John Brocklehurst, Edward Christopher Egerton.	MONTGOMERY. David Pugh.	OLDHAM. John Morgan Cobbett, William Johnson Fox.
MAIDSTONE. James Whatman, William Lee.	MORPETH. Rt. hon. Sir George Grey, bt.	
MALDON.	NEWARK-UPON-TRENT. Granville Edward Harcourt Vernon, John Henry Thomas Manners Sutton.	
	NEWCASTLE-UNDER-LYME William Jackson, Samuel Christy.	
	NEWCASTLE-UPON-TYNE. John Fenwick Burgoyne Blackett, Thomas Emerson Headlam.	

<i>List of</i>	<b>{COMMONS}</b>	<i>Members.</i>
OXFORDSHIRE. Rt. hon. Joseph Warner Henley, John Sidney North, George Granville Vernon Harcourt.	RETFORD (EAST). Hon. William Ernest Dun- combe, Rt. Hon. George Edward Arundell (Monckton-Ar- undell) Viscount Galway.	SHEFFIELD. John Arthur Roebuck, George Hadfield.
OXFORD (CITY). James Haughton Langston, Rt. hon. Edward Cardwell.	RICHMOND. Henry Rich, Marmaduke Wyvill.	SHIELDS (SOUTH). Robert Ingham.
OXFORD (UNIVERSITY). Rt. Hon. William Ewart Gladstone.	RIPON. William Beckett, Hon. Edwin Lascelles.	SHOREHAM (NEW). Sir Charles Merrik Burrell, bt., Hon. (Alexander Francis Charles Gordon Lennox) Lord A. F. C. G. Len- nox.
PEMBROKESHIRE. Hon. John Frederick Vaug- han (Campbell) Viscount Emlyn.	ROCHDALE. Edward Miall.	SHREWSBURY. George Tomline, Edward Holmes Baldock.
PEMBROKE. Sir John Owen, bt.	ROCHESTER. Hon. Francis John Robert Villiers, Sir Thomas Herbert Mad- dock, knt.	SOMERSETSHIRE. ( <i>Eastern Division.</i> ) William Miles, William Francis Knatchbull. ( <i>Western Division.</i> ) Charles Aaron Moody, William Henry Powell Gore Langton.
PENRYN AND FALMOUTH. Howel Gwyn, James William Freshfield.	RUTLANDSHIRE. Sir Gilbert John Heathcote, bt., Hon. Gerard James Noel.	SOUTHAMPTON. Brodie M'Ghie Willcox, Sir Alexander James Ed- mund Cockburn, knt.
PETERBOROUGH. Hon. George Wentworth Fitzwilliam, Thomson Hankey.	RYE. William Alexander Mackin- non.	SOUTHWARK. Sir William Molesworth, bt., Apsley Pellatt.
PETERSFIELD. Sir William George Hylton Jolliffe, bt.	ST. IVES. Robert Laffan.	STAFFORDSHIRE. ( <i>Northern Division.</i> ) Charles Bowyer Adderley, Smith Child. ( <i>Southern Division.</i> ) Hon. George Anson,
PLYMOUTH. Roundell Palmer, Robert Porrett Collier.	SALFORD. Joseph Brotherton.	
PONTEFRACT. Richard Monckton Milnes, Benjamin Oliveira.	SALISBURY. William James Chaplin, Edward Pery Buckley.	
POOLE. Henry Danby Seymour, George Woodroffe Franklyn.	SALOP, OR SHROPSHIRE. ( <i>Northern Division.</i> ) William Ormsby Gore, John Whitehall Dod. ( <i>Southern Division.</i> )	
PORTSMOUTH. Rt. hon. Sir Francis Thorn- hill Baring, bt., Rt. hon. Charles Stanley (Monck) Viscount Monck.	Hon. Orlando George Chas. (Bridgeman) Viscount Newport.	STAFFORD. John Ayshford Wise, Arthur John Otway.
PRESTON. Robert Townley Parker, Sir George Strickland, bt.	SANDWICH. Hon. Charles Pelham (Pel- ham-Clinton) Lord C. P. Clinton, James MacGregor.	STAMFORD. Hon. Robert Talbot Gas- coyne (Cecil) Lord R. T. G. Cecil, Sir Frederic Thesiger, knt.
RADNORSHIRE. Sir John Benn Walsh, bt.	SCARBOROUGH. Sir John Vanden Bempde Johnstone, bt., Rt. hon. George Augustus Constantine (Phipps) Earl of Mulgrave.	STOCKPORT. James Kershaw, John Benjamin Smith.
RADNOR (NEW). Rt. Hon. Sir Thomas Frank- land Lewis, bt.	SHAFTESBURY. Hon. William Henry Berke- ley Portman.	STOKE-UPON-TRENT. John Lewis Ricardo, Hon. Edward Frederic Leve- son-Gower.
READING. Francis Pigott, Henry Singer Keating.		
REIGATE. Hon. Thomas Somers Cocks.		



<i>List of</i>	{ COMMONS }	<i>Members.</i>
STROUD. George Poulett Scrope, Edward Horsman.	TOTNESS. Rt. hon. Edward Adolphus (Seymour) Lord Seymour, Thomas Mills.	WHITBY. Robert Stephenson.
SUFFOLK. ( <i>Eastern Division.</i> ) Sir FitzRoy Kelly, knt. Sir Edward Sherlock Gooch, bt. ( <i>Western Division.</i> ) Harry Spencer Waddington, Philip Bennet.	TOWER HAMLETS. Sir William Clay, bt., Charles Salisbury Butler.	WHITEHAVEN. Robert Charles Hildyard.
SUNDERLAND. George Hudson, William Digby Seymour.	TRURO. Henry Hussey Vivian, John Ennis Vivian.	WIGAN. Ralph Anthony Thicknesse, Hon. James Lindsay.
SURREY. ( <i>Eastern Division.</i> ) Thomas Alcock, Hon. Peter John Locke King. ( <i>Western Division.</i> ) William John Evelyn, Henry Drummond.	TYNEMOUTH.	WIGHT (ISLE OF). Francis Vernon Harcourt.
SUSSEX. ( <i>Eastern Division.</i> ) Augustus Elliott Fuller, Charles Hay Frewen. ( <i>Western Division.</i> ) Hon. Charles Henry (Gordon Lennox) Earl of March,	WAKEFIELD. George Sandars.	WILTON. Charles Henry Wyndham à Court.
SWANSEA. John Henry Vivian.	WALLINGFORD. Richard Malins.	WILTSHIRE. ( <i>Northern Division.</i> ) Walter Long, Thomas Henry Sutton So- theron. ( <i>Southern Division.</i> ) Rt. hon. Sidney Herbert, William Wyndham.
TAMWORTH. Sir Robert Peel, bt., John Townshend.	WALSALL. Charles Forster.	WINCHESTER. John Bonham Carter, Sir James Buller East, bt.
TAUNTON. Rt. hon. Henry Labouchere, Sir John William Ramsden, bt.	WAREHAM. John Samuel Wanley Saw- bridge Erle Drax.	WINDSOR. Hon. (Charles Wellesley) Lord C. Wellesley, Charles William Grenfell.
TAVISTOCK. Hon. George Henry Charles Byng, Robert Joseph Phillimore.	WARRINGTON. Gilbert Greenall.	WOLVERHAMPTON. Rt. hon. Charles Pelham Villiers, Thomas Thornely.
TEWKESBURY. Humphrey Brown, John Martin.	WARWICKSHIRE. ( <i>Northern Division.</i> ) Charles Newdigate Newde- gate, Richard Spooner. ( <i>Southern Division.</i> ) Hon. Heneage (Finch) Lord Guernsey.	WOODSTOCK. Hon. John Wiuston (Spen- cer Churchill) Marquess of Blandford.
THETFORD. Hon. William Henry (Fitz- roy) Earl of Euston, Hon. Francis Baring.	WARWICK. George William John Rep- ton, Edward Greaves.	WORCESTERSHIRE. ( <i>Eastern Division.</i> ) George Rushout, John Hodgetts Hodgetts Fo- ley. ( <i>Western Division.</i> ) Hon. Henry (Pyndar) Vis- count Elmley Frederick Winn Knight.
THIRSK. Sir William Payne Gallwey, bt.	WELLS. Robert Charles Tudway, Rt. hon. William Good- enough Hayter.	WORCESTER. William Laslett, Osman Ricardo.
TIVERTON. John Heathcoat, Rt. hon. Henry John (Tem- ple) Viscount Palmerston.	WENLOCK. Rt. hon. George Cecil Weld Forester, James Milnes Gaskell.	WYCOMBE (CHIPPING). Sir George Henry Dash- wood, bt., Martin Tucker Smith.
	WESTBURY. James Wilson.	YARMOUTH (GREAT). Sir Edmund Henry Knowles Lacon, bt., Charles Edmund Rumbold.
	WESTMINSTER. Sir John Villiers Shelley, bt., Sir De Lacy Evans, K.C.B.	YORKSHIRE. ( <i>North Riding.</i> ) Edward Stillingfleet Cayley, Hon. Octavius Duncombe.
	WESTMORELAND. Hon. Henry Cecil Lowther, William Thompson.	
	WEYMOUTH AND MELCOMBE REGIS. William Lockyer Freestun, George Medd Butt.	



*List of*

**{ COMMONS }**

*Members.*

**YORKSHIRE—continued.**  
(*East Riding.*)  
Rt. hon. Beaumont (Hotham)  
Lord Hotham,  
Hon. Arthur Duncombe.  
(*West Riding.*)  
Richard Cobden,  
Edmund Beckett Denison.  
**YORK.**  
John George Smyth,  
William Mordaunt Edward  
Milner.

**SCOTLAND.**  
**ABERDEENSHIRE.**  
Hon. William Gordon.  
**ABERDEEN.**  
George Thompson.  
**ARGYLLSHIRE.**  
Sir Archibald Islay Campbell, bt.  
**AYRSHIRE.**  
James Hunter Blair.  
**AYR, &c.**  
Edward Henry John Craufurd.  
**BANFFSHIRE.**  
James Duff.  
**BERWICKSHIRE.**  
Hon. Francis Scott.  
**BUTESHIRE.**  
Rt. hon. James Archibald Stuart Wortley.  
**CAITHNESS-SHIRE.**  
George Trail.  
**CLACKMANNAN AND KINROSS SHIRES.**  
James Johnstone.  
**CUPAR, &c.**  
Edward Ellice.  
**DUMBARTONSHIRE.**  
Alexander Smollett.  
**DUMFRIES-SHIRE.**  
Hon. Archibald William (Douglas) Viscount Drumlanrig.  
**DUMFRIES, &c.**  
William Ewart.  
**DUNDEE.**  
George Duncan.  
**DYSART, &c.**  
Robert Ferguson.  
**EDINBURGHSHIRE.**  
Hon. William Henry Walter (Montague-Douglas-Scott) Earl of Dalkeith.

**EDINBURGH.**  
Rt. hon. Thomas Babington Macaulay,  
Charles Cowan.  
**ELGINSHIRE AND NAIRNE.**  
Charles Lennox Cumming Bruce.  
**ELGIN, &c.**  
George Skene Duff.  
**FALKIRK, &c.**  
James Baird.  
**FIFESHIRE.**  
John Fergus.  
**FORFARSHIRE.**  
Hon. Lauderdale Maule.  
**GLASGOW.**  
Alexander Hastie,  
John MacGregor.  
**GREENOCK.**  
Alexander Murray Dunlop.  
**HADDINGTONSHIRE.**  
Hon. Francis Wemyss (Charteris) Lord Elcho.  
**HADDINGTON, &c.**  
Sir Henry Robert Ferguson Davie, bt.  
**INVERNESS-SHIRE.**  
Henry James Baillie.  
**INVERNESS, &c.**  
Alexander Matheson.  
**KINCARDINESHIRE.**  
Hon. Hugh Arbuthnott.  
**KIRKCUDBRIGHT.**  
John Mackie.  
**KIRKWALL, WICK, &c.**  
Samuel Laing.  
**LANARKSHIRE.**  
William Lockhart.  
**LEITH, &c.**  
Rt. hon. James Moncreiff.  
**LINLITHGOWSHIRE.**  
George Dundas.  
**MONTROSE, &c.**  
Joseph Hume.  
**ORKNEY AND SHETLAND.**  
Frederick Dundas.  
**PAISLEY.**  
Archibald Hastie.  
**PEEBLES-SHIRE.**  
Sir Graham Graham Montgomery, bt.  
**PERTHSHIRE.**  
William Stirling.  
**PERTH.**  
Hon. Arthur FitzGerald Kinaird.  
**RENFREWSHIRE.**  
William Mure.

**RENFREW, &c.**  
Hon. Edward Pleydell Bouverie.  
**ROSS AND CROMARTY SHIRES.**  
Sir James Matheson, bt.  
**ROXBURGHSHIRE.**  
Hon. John Edmund Elliot.  
**SELKIRKSHIRE.**  
Allan Eliot Lockhart.  
**STIRLINGSHIRE.**  
William Forbes.  
**STIRLING, &c.**  
Sir James Anderson, kn.  
**SUTHERLANDSHIRE.**  
Hon. George Granville William (Leveson - Gower) Marquess of Stafford.  
**WIGTONSHIRE.**  
Viscount Dalrymple.  
**WIGTON, &c.**  
Sir John MacTaggart, bt.  
**IRELAND.**  
**ANTRIM.**  
Edward William Pakenham,  
George Macartney.  
**ARMAGH.**  
Sir William Verner, bt.,  
James Molyneux Caulfield.  
**ARMAGH (CITY).**  
Ross Stephenson Moore.  
**ATHLONE.**  
William Keogh.  
**BANDON BRIDGE.**  
Hon. Francis (Bernard) Viscount Bernard.  
**BELFAST.**  
Richard Davison,  
Hugh MacCalmont Cairns.  
**CARLOW.**  
John Ball,  
William Bunbury M'Clintock Bunbury.  
**CARLOW (BOROUGH).**  
John Alexander.  
**CARRICKFERGUS.**  
Hon. Wellington Henry Stapleton Cotton.  
**CASHEL.**  
Sir Timothy O'Brien, bt.  
**CAVAN.**  
Hon. James Pierce Maxwell,  
Sir John Young, bt.  
**CLARE.**  
Sir John Forster FitzGerald, K.C.B.,  
Cornelius O'Brien.

<i>List of</i>	<b>{ COMMONS }</b>	<i>Members.</i>
<b>CLONMEL.</b>	<b>KERRY.</b> Henry Arthur Herbert, Hon. Valentine Augustus (Browne) Viscount Castle- rosse.	<b>NEWRY.</b> William Kirk.
<b>COLERAINE.</b> Rt. hon. Richard Southwell (Bourke) Lord Naas.	<b>KILDARE.</b> William Henry Ford Cogan, David O'Connor Henchy.	<b>PORTARLINGTON.</b> Francis Plunket Dunne.
<b>CORK COUNTY.</b> Edmund Burke Roche, Vincent Scully.	<b>KILKENNY.</b> William Shee, John Greene.	<b>QUEEN'S COUNTY.</b> Michael Dunne, Sir Charles Henry Coote, bt.
<b>CORK (CITY).</b> William Trant Fagan.	<b>KILKENNY (BOROUGH).</b> Michael Sullivan.	<b>ROSCOMMON.</b> Fitzstephen French, Oliver Dowell John Grace.
<b>DONEGAL.</b> Thomas Conolly, Sir Edmund Samuel Hayes, bt.	<b>KING'S COUNTY.</b> Patrick O'Brien, Loftus Henry Bland.	<b>ROSS (NEW).</b> Charles Gavan Duffy.
<b>DOWNSHIRE.</b> Hon. (Arthur Edwin Hill) Lord A. E. Hill, David Stewart Kerr.	<b>KINSALE.</b> John Isaac Heard.	<b>SLIGO.</b> Sir Robert Gore Booth, bt., Richard Swift.
<b>DOWNPATRICK.</b> Hon. Charles Stewart Har- dinge.	<b>LEITRIM.</b> Hugh Lyons Montgomery, John Brady.	<b>SLIGO (BOROUGH).</b> John Sadleir.
<b>DROGHEDA.</b> James McCann.	<b>LIMERICK.</b> William Monsell, Wyndham Goold.	<b>TIPPERARY.</b> Francis Scully, James Sadleir.
<b>DUBLIN.</b> James Hans Hamilton, Thomas Edward Taylor.	<b>LIMERICK (CITY).</b> Robert Potter, Francis William Russell.	<b>TRALEE.</b> Daniel O'Connell.
<b>DUBLIN (CITY).</b> Edward Grogan, John Vance.	<b>LISBURN.</b> Jonathan Joseph Richard- son.	<b>TYRONE.</b> Rt. hon. Henry Thomas Lowry Corry, Rt. hon. (Claud Hamilton) Lord C. Hamilton.
<b>DUBLIN (UNIVERSITY).</b> George Alexander Hamilton, Rt. hon. Joseph Napier.	<b>LONDONDERRY.</b> Thomas Bateson, Theobald Jones.	<b>WATERFORD.</b> Nicholas Mahon Power, John Esmonde.
<b>DUNDALK.</b> George Bowyer.	<b>LONDONDERRY (CITY).</b> Sir Robert Alexander Fer- guson, bt.	<b>WATERFORD (CITY).</b> Thomas Meagher, Robert Keating.
<b>DUNGANNON.</b> Hon. William Stuart Knox.	<b>LONGFORD.</b> Richard Maxwell Fox, Fulke Southwell Greville.	<b>WESTMEATH.</b> William Henry Magan, William Pollard Urquhart.
<b>DUNGARVAN.</b> John Francis Maguire.	<b>LOUTH.</b> Tristram Kennedy.	<b>WEXFORD.</b> Patrick McMahon, John George.
<b>ENNIS.</b> John David FitzGerald.	<b>MALLOW.</b> Sir Charles Denham Or- lando Jephson Norreys, bt.	<b>WEXFORD (BOROUGH).</b> John Thomas Devereux.
<b>ENNISKILLEN.</b> James Whiteside.	<b>MAYO.</b> George Henry Moore, George Gore Ouseley Hig- gins.	<b>WICKLOW.</b> Hon. William Thomas Spen- cer (Wentworth Fitzwil- liam) Viscount Milton, William Wentworth Fitz- william Hume.
<b>FERMANAGH.</b> Mervyn Edward Archdall, Sir Arthur Brinsley Brooke, bt.	<b>MEATH.</b> Frederick Lucas, Matthew Elias Corbally.	<b>YOUGHALL.</b> Isaac Butt.
<b>GALWAY.</b> Sir Thomas John Burke, bt., Thomas Bellew.	<b>MONAGHAN.</b> Charles Powell Leslie, Sir George Forster, bt.	
<b>GALWAY (BOROUGH).</b> Anthony O'Flaherty, Martin Joseph Blake.		

# HANSARD'S PARLIAMENTARY DEBATES,

IN THE

*SECOND SESSION OF THE SIXTEENTH PARLIAMENT OF  
THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE  
CONTINUED TILL 31 JANUARY, 1854, IN THE SEVENTEENTH YEAR  
OF THE REIGN OF*

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

## HOUSE OF LORDS,

*Tuesday, January 31, 1854.*

MINUTES.] *Sat First in Parliament.*—The Duke of Beaufort, after the Death of his Father; the Earl of Dartmouth, after the Death of his Father; the Earl of Carnarvon, after the Death of his Father.

*Took the Oaths.*—The Viscount Strathallan; the Earl of Elgin and Kincardine in Scotland, having been created Baron Elgin of the United Kingdom, was (in the usual manner) introduced.

PUBLIC BILLS.—1<sup>st</sup> Select Vestries; Leasing Powers (Ireland); Landlord and Tenant (Ireland).

### MEETING OF THE PARLIAMENT.

THE PARLIAMENT, which had been prorogued successively from the 20th August to the 27th October, thence to the 29th November, thence to the 3rd January, and thence to the 31st January, met this day for despatch of business.

The Session of the Parliament was opened by The QUEEN in person.

### THE QUEEN'S SPEECH.

THE QUEEN being seated on the Throne, and the Commons being at the  
VOL. CXXX. [THIRD SERIES.]

Bar, with their Speaker, HER MAJESTY was pleased to make a most gracious Speech to both Houses of Parliament, as follows :—

*“ My Lords, and Gentlemen,*

*“ I AM always happy to meet you in Parliament; and on the present Occasion it is with peculiar Satisfaction that I recur to your Assistance and Advice.*

*“ THE Hopes which I expressed at the Close of the last Session, that a speedy Settlement would be effected of the Differences existing between Russia and the Ottoman Porte, have not been realised; and I regret to say that a State of Warfare has ensued. I have continued to act in cordial Co-operation with the Emperor of the French; and My Endeavours, in conjunction with My Allies, to preserve and to restore Peace between the*

contending Parties, although hitherto unsuccessful, have been unremitting. I will not fail to persevere in these Endeavours; but as the Continuance of the War may deeply affect the Interests of this Country and of *Europe*, I think it requisite to make a further Augmentation of My Naval and Military Forces, with the view of supporting My Representations, and of more effectually contributing to the Restoration of Peace.

"I HAVE directed that the Papers explanatory of the Negotiations which have taken place upon this Subject shall be communicated to you without Delay.

*"Gentlemen of the House of Commons,*

"THE Estimates for the Year will be laid before you, and I trust you will find that, consistently with the Exigencies of the Public Service at this Juncture, they have been framed with a due Regard to Economy.

*"My Lords, and Gentlemen,*

"IN the year which has just terminated, the Blessing of an abundant Harvest has not been vouchsafed to us. By this Dispensation of Providence the Price of Provisions has been enhanced, and the Privations of the Poor have been increased; but their Patience has been exemplary; and the Care of the Legislature, evinced by the Reduction of Taxes affecting the Necessaries of Life, has greatly tended to preserve a Spirit of Contentment.

"I HAVE the Satisfaction of announcing to you, that the Commerce of the Country is still prosperous; that Trade, both of Export and Import, has been largely on the Increase;

and that the Revenue of the past Year has been more than adequate to the Demands of the public Service.

"I RECOMMEND to your Consideration a Bill which I have ordered to be framed, for opening the Coasting Trade of the United Kingdom to the Ships of all friendly Nations; and I look forward with Satisfaction to the Removal of the last legislative Restriction upon the Use of Foreign Shipping, for the Benefit of My People.

"COMMUNICATIONS have been addressed by My Command to the Universities of *Oxford* and *Cambridge*, with reference to the Improvement which it may be desirable to effect in their Institutions. These Communications will be laid before you, and Measures will be proposed for your Consideration, with the view of giving effect to such Improvements.

"THE Establishments requisite for the Conduct of the Civil Service, and the Arrangements bearing upon its Condition, have recently been under Review: and I shall direct a Plan to be laid before you, which will have for its Object to improve the System of Admission, and thereby to increase the Efficiency of the Service.

"THE recent Measures of Legal Reform have proved highly beneficial, and the Success which has attended them may well encourage you to proceed with further Amendments. Bills will be submitted to you for transferring from the Ecclesiastical to the Civil Courts the Cognizance of Testamentary and of Matrimonial Causes, and for giving increased Efficiency to the Superior Courts of Common Law.

"THE Laws relating to the Relief of the Poor have of late undergone much salutary Amendment; but there

is One Branch to which I earnestly direct your attention. The Law of Settlement impedes the Freedom of Labour, and if this Restraint can with Safety be relaxed, the Workman may be enabled to increase the Fruits of his Industry, and the Interests of Capital and of Labour will be more firmly united.

“MEASURES will be submitted to you for the Amendment of the Laws relating to the Representation of the Commons in Parliament.

“RECENT Experience has shown that it is necessary to take more effectual Precautions against the Evils of Bribery and Corrupt Practices at Elections. It will also be your Duty to consider whether more complete Effect may not be given to the Principles of the Act of the last Reign, whereby Reforms were made in the Representation of the People in Parliament. In recommending this Subject to your Consideration, my Desire is to remove every cause of just Complaint, to increase general Confidence in the Legislature, and to give additional Stability to the settled Institutions of the State.

“I SUBMIT to your Wisdom the Consideration of these important Subjects; and I pray God to prosper your Counsels, and to guide your Decisions.”

HER MAJESTY then retired.

House adjourned during pleasure.

House resumed.

#### ADDRESS IN ANSWER TO THE SPEECH.

THE QUEEN'S Speech having been reported by the LORD CHANCELLOR,

THE EARL OF CARNARVON rose to move an humble Address to HER MAJESTY, in answer to Her gracious Speech from the Throne. The noble Earl said: My Lords, in discharging this evening the responsible obligation which has been de-

volved upon me, I most earnestly solicit your sympathy and indulgence for my unpractised and untried efforts, whilst I venture to call your Lordships' attention to the consideration of the Address which I shall have the honour of proposing in answer to Her Majesty's most gracious Speech. Arduous as such a task must always be for any man to be the first to break the silence in such an assembly as this, it seems to me that present circumstances throw double difficulties upon me, when I recollect the perplexed aspect of foreign affairs, and the vastness of the question upon which England is called to arbitrate. But although in this point of view there is much to excite apprehension, there is also, no doubt, much to gladden us in the retrospect of past years—much to cheer us in the vista which lies open before us, in the prospect of national prosperity and social improvement. It is now nearly forty years that we have enjoyed the fulness of peace, and all the blessings attendant in its train. Gradually during that period our colonial possessions and our Indian empire have been enlarged—in India, Scinde and Burmah have been added to our sway, and even the exclusive cities of China have thrown open to us their gates; whilst the same success which has crowned our efforts abroad has smiled on our efforts at home. But now, after nearly forty years of peace and prosperity, at last it seems that we must gaze on war face to face. But if this be so indeed, we may console ourselves with the manly consolation that he comes to us an unbidden and unwelcome guest—that every effort has been strained to avert the catastrophe; and that we do not draw the sword till diplomacy has exhausted every art, and until forbearance would no longer be a virtue. But if our forbearance has been unprecedented, unprecedented, too, are the resources with which we are prepared to meet the emergency. Our patience, even if it has been abused, has not been thrown away; for we stand acquitted of all precipitancy or eagerness for war, not only before the great tribunal of the nations of the present day, but in the eyes of future generations when they shall review this page of history. Nor need we apprehend that the delays which have intervened can be attributed to any unworthy motive; for I am convinced that it has proceeded from an honourable reluctance to initiate a sanguinary and bloody contest—a reluctance which is alone the preroga-



tive of a great country conscious of its own strength. And if, eventually, these delays should be crowned with the success they deserve, and a lasting peace be the reward of our endeavours, then the efforts which we have made for the continuance of that peace will be amply rewarded by the gratitude of the world, and we shall exhibit in history a second example in which a Fabian policy has been the restitution of the State. But should it be otherwise decreed, England is prepared to throw her whole heart into the war; and it will then be shown that a long peace has not relaxed our national vigour, any more than it has exhausted our national resources. Whatever the occasion may be, England is still rich enough to produce a second race of heroes equal to the past; and it will be seen that she is not wanting in another Wellington and another Beresford, another Exmouth and another Nelson, to shed lustre on her victorious arms; for wars there must be—

———"erunt etiam altera bella,  
Atque iterum ad Trojam magnus mittetur Achilles."

I cannot believe that the energy which made them victorious in the past, lies buried in the tomb of the great captain whose loss we even yet deplore: the army which he trained, the discipline which he organised, the precepts which he gave, yet live among us. Amongst those precepts there is none which deserves fuller consideration at the present moment than his well-known maxim, that "a great State cannot afford to wage a little war"—which teaches us not to waste our strength or to exhaust our resources on petty and insignificant enterprises; and that it is only concentrating our power and resources by energetic action and signal undertakings, that we can hope to secure that lasting peace which is so much to be desired. And let us here remember that in such a contest we do not draw the sword from any ambitious motive of our own, or from any punctilious scruples of honour, nor even to redress the wrongs of an Asiatic empire whose power some suppose to be now tottering to its ruin; but that we are contending for the highest of all objects that we could pursue—for the independence of nations, the maintenance of treaties, and of the stability of that balance of power upon which our own preservation, and indeed civilisation itself, depends. And if there be one cause which can more than another inspire us with confidence in such a moment of doubt and

*The Earl of Carnarvon*

anxiety, it is the union which has been firmly cemented between England and France. The sympathies and interests of two great nations, which have long been alienated by the animosities of centuries, have happily, I fervently hope, now been cordially united and blended together by the widely-extended chain of European civilisation and commerce. Long may this union continue to be inseparable by open violence or by secret intrigue! And if there be found a party whose fallen condition we may pity, but whose conduct we must censure—who seek to conciliate their own differences by a union against the harmonies of England and France, we can rejoice that the good sense of both countries has unequivocally rejected such designs, and has recognised the principle that the petty fusion of families must yield before a greater fusion of confederated nations.

I have trespassed, I fear, too long, my Lords, on your indulgence on this topic, while reviewing the aspect of our foreign affairs; and I hasten to pass on to the sentiments of those domestic topics which are alluded to in Her Majesty's Speech. I am sure your Lordships will be happy to re-echo the sentiments of general congratulation which Her Majesty has expressed with regard to the prosperity of the country during the past year, in spite of many drawbacks—a prosperity greater than the most hopeful could have anticipated. The prospect of war has, indeed, clouded the more hopeful anticipations with which the last year was inaugurated. The failure of the harvest and the rise in the price of provisions have, unquestionably, caused much distress, while the strikes among the operatives in many of our manufacturing towns have been productive of injury and of loss of capital. But, if these strikes have been injurious, we may reflect with pleasure on the conduct of the men in their self-imposed privations—that it has been singularly free from crime and from lawless violence; and we can only wonder that with so much rectitude of purpose such deep error of judgment should be combined. So, again, if the failure of the harvest has been great and depressing, we may admire the energy with which the agricultural classes have prepared to meet the emergency, and by calling in the aid of science have shown themselves to be capable of surmounting those difficulties which not unnaturally beset a period of transition from restricted to

an open system of trade. And, thanks also to the energy of that noble Lord whose vigour and talent have been equally conspicuous in the Home Office as they were in the Foreign (Viscount Palmerston), many internal improvements have been effected: a more extensive system of drainage, the removal of intramural burials, and the establishment of sanitary commissions in various towns to promote the public health. The success of these and further measures in contemplation, for the consumption of smoke, and generally for the purification of our towns, promise results no less conducive to the physical than to the moral well-being of the people. Neither can I omit to remind your Lordships of the rapid increase of the last year's revenue, the flourishing condition of our mercantile marine—where the supply of ships has hardly equalled the demand—the greater efficiency of the Army and Navy, the improved distribution of the prize money to our sailors, and the improvement in their prospects—a measure which has been dictated not as a mere expedient for temporary purposes, but which has been adopted from a sense of justice, and from an impartial consideration of their claims. While the amelioration of our laws and of the condition of all classes and interests has been great at home, the prospects of still further improvements from abroad are equally encouraging. In China, which already employs beneficially between thirty and forty millions of our commercial capital, a gigantic empire is crumbling away, to give fuller and freer scope to Anglo-Saxon energy and enterprise. In the West Indies a faint dawn of improvement glimmers above the political horizon of those ill-starred colonies. In India, the vigorous measures which have been adopted for the construction of railways, inspires a hope of internal improvement and a more general diffusion of knowledge among the subject millions entrusted to our rule. In British Canada never was there greater prosperity; while in Australia and New Zealand, the abundant resources of those regions have been so rapidly developed under the system of colonial self-government, that will probably play no unimportant part in the world's history. These are the results of the moral predominance of the Government of England over distant countries—results which may, I am convinced, in no small degree be attributed to the sway which the commercial policy of this country has exer-

cised. And, seeing the magnitude of these results, it ought to impress upon us the duty of carrying out still further those principles upon which that commercial system is based; and it is with the view of carrying out the principles that Her Majesty, as She has announced in Her gracious Speech, has directed a Bill to be framed with the view of opening the coasting trade to the ships of all friendly nations. The existing laws with regard to the coasting trade are, as your Lordships will remember, the only remaining part of the old Navigation Laws, which were repealed a few years ago. Since the period of that repeal, the career of our commercial navy—as I have already observed—has been eminently successful. There has been a more than proportionate increase in the tonnage of our shipping, and in the annual imports and exports; whilst the competition of steam navigation, apparently at first sight a hindrance, has been generally considered to have given a fresh impulse and stimulus to this branch of our trade. Under these circumstances, it cannot but seem natural that the spread of our commerce and the desire for greater uniformity in our commercial system, should call for an alteration in these remaining laws, which have not only lost all connexion but are absolutely at variance with the existing code.

My Lords, Her Majesty has directed your attention to the condition of the Universities of Oxford and Cambridge. University reform is a question of deep importance, for it relates to institutions with which there are few, I would fain believe, in this country who do not sympathise. They are interwoven with our history and constitution—with institutions which are calculated to affect our most vital interests, and they form the noblest monuments which the piety and the learning of bygone ages have transmitted to our care. For my own part I owe so deep a debt of gratitude to one of these Universities, that I can never approach the subject with any other feelings than those of reverence and affection; and it is because I so regard Oxford that I earnestly trust she may ultimately co-operate in the enlightened views which were suggested to her not long ago in the circular addressed to the Chancellor by the noble Lord the Secretary of State for the Home Department. New and higher duties are required of us all as individuals in these days, and corporations—especially those whose purposes may

be said in some degree to extend beyond the sphere of this world—cannot be exempted from such a righteous demand. At the same time, much as I desire to see them throw open their arms yet wider, and to extend their invaluable privileges to a larger class than at present participate in them, deeply should I regret if, in the effort to widen the range of scientific studies, confessedly valuable as they are, that teaching, which I hold to be equally important, and without which no education, in the widest sense of the term, can be sound, or pure, or useful, should be in any degree overlooked; or if, in imitation of foreign practices, they should lose their peculiar English character, and abandon the religious basis upon which they were founded, and to which they owe their endurance, and the awe and veneration of all who have felt their kindly and protecting influence.

I turn now to another topic of the Speech from the Throne. I allude to the subject of legal reform. Few of your Lordships, I apprehend, will be prepared to deny its necessity or advantages. During the last few years many improvements have been introduced, especially in the Court of Chancery, with the view of simplifying legal proceedings, to divest the law of many useless and cumbrous shackles and technicalities, and to diminish that cost and that delay which are still so much the subject of complaint. And if in such reform be comprehended an alteration in the Ecclesiastical Courts, which are a remnant of an antiquated jurisdiction, such a result will, I doubt not, meet with your Lordships' hearty concurrence and approval.

There is yet one subject of legal reform to which Her Majesty has alluded in a special manner. I refer to the Law of Settlement. This law, which owes its origin to the reign of Charles II., certainly cannot be said to have effected the end for which it was intended. The continual discussions that have arisen from it, and the incessant litigation with which it has been rife, the numerous variety of qualifications and of settlements, including now ten distinct descriptions, together with the appeals upon appeal, and the transference of the case from one tribunal to another, with many other difficulties connected with the system of casual poor relief, show that legislation has not as yet touched the point in question, or devised a remedy to meet the evils of an extended pauperism. A well-considered and digested measure on

*The Earl of Carnarvon*

this subject, will, I doubt not, meet with universal acceptance by your Lordships and the country.

But there is one more subject of reform to which Her Majesty has referred, and one of peculiar public importance—I allude to Parliamentary reform. Reform, in the highest and best sense of the word, and abstracted from party significance, is an essential of a State which is possessed of vitality, and, consequently, of progress. But that State is happiest where legislators in their reforms aim at following out the analogy of nature, and strive rather to reproduce and develop than to break up and remodel existing institutions. Fortunately for us, we are called on to legislate on this subject under peculiar and generally favourable circumstances—when there is no external pressure from public opinion to influence our calmer and more dispassionate judgment, and when the evils we complain of, and the remedies of which we are in search, are indirect in their nature, and consequently do not involve any sweeping and violent changes, which are so often attendant upon popular excitement. At the same time I do not deny that the lapse of nearly a quarter of a century since the passing of the Reform Act calls for many material changes, which are not only necessary, but absolutely expedient and just, and will be conducive to the durability and perfection of our constitution. Some towns have fallen into a comparative decrease, while others have sprung up with marvellous rapidity, their populations having extended far beyond their original limits, and including many persons who deserve and would appreciate the possession of the franchise. Welcome under such circumstances would be a wise and moderate measure of reform, which should eliminate the corrupt influences which at present too largely affect our electoral system—that, in extending the franchise to any classes beyond those who at present possess it, should give security, at the same time, for the respectability of the constituency and the independence of the representative—which should provide by ample safeguards and precautions for the independence of the voter, and which should be free from the tendency of the present system to depress the intellectual element of the community, to make mind subservient to matter, to make those who labour the rulers of those who think. At all events, we have every guarantee in the well-known principles of the noble Earl at the head of Her Ma-



jeaty's Government, that no undue importance will be attached to one class or interest more than another, but that town and country will be treated as brothers, and not as rivals or antagonists. The English constitution, if I understand it aright, consists of mixed elements, and it is upon the variety of classes and properties, and not upon the predominance of one over another, that our representative system should be based. Progression and preservation are natural allies, and should go hand in hand. The noble Earl, after thanking their Lordships for the attention with which they had heard him, concluded by moving, "That an humble Address be presented to Her Majesty, in answer to Her Gracious Speech from the Throne."

The following is a copy of the Address agreed to :—

"MOST GRACIOUS SOVEREIGN,

"We, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to convey to Your Majesty our humble Thanks for Your Majesty's most gracious Speech from the Throne.

"We humbly thank Your Majesty for the Assurance of the peculiar Satisfaction with which, on the present Occasion, Your Majesty recurs to the Advice and Assistance of Your Parliament.

"We humbly assure Your Majesty of the Regret with which we learn that the Hopes which Your Majesty expressed at the close of the last Session, that a speedy Settlement would be effected of the Differences existing between *Russia* and the *Ottoman Porte*, have not been realised, and that a State of Warfare has ensued.

"We rejoice to learn that Your Majesty has continued to act in cordial Co-operation with the Emperor of the *French*, and that Your Majesty's Endeavours, in conjunction with Your Majesty's Allies, to preserve and to restore Peace between the contending Parties, although hitherto unsuccessful, have been unremitting.

"We humbly express our Satisfaction at learning that Your Majesty will not fail to persevere in these Endeavours; and we thank Your Majesty for informing us, that as the continuance of the War may deeply affect the Interests of this Country and of *Europe*, Your Majesty thinks it requisite to make a further Augmentation of Your Naval and Military Forces, with the view of supporting Your Majesty's Representa-

tions, and of more effectually contributing to the Restoration of Peace.

"We humbly thank Your Majesty for having directed that the Papers explanatory of the Negotiations which have taken place upon this Subject shall be communicated to us without Delay.

"We beg leave to assure Your Majesty that we unite with Your Majesty in lamenting that in the Year which has just terminated, the Blessing of an abundant Harvest has not been vouchsafed to us.

"We humbly concur in the Opinion expressed by Your Majesty that by this Dispensation of Providence the Price of Provisions has been enhanced, and the Privations of the Poor have been increased; but that their Patience has been exemplary; and that the Care of the Legislature, evinced by the Reduction of Taxes affecting the Necessaries of Life, has greatly tended to preserve a Spirit of Contentment.

"We rejoice at the Announcement that the Commerce of the Country is still prosperous; that Trade, both of Export and Import, has been largely on the Increase; and that the Revenue of the past Year has been more than adequate to the Demands of the Public Service.

"We beg leave to assure Your Majesty that our best consideration will be given to the Bill which Your Majesty has informed us that Your Majesty has ordered to be framed for opening the Coasting Trade of the United Kingdom to the Ships of all friendly Nations; and to thank Your Majesty for expressing the Satisfaction with which Your Majesty looks forward to the Removal of the last legislative Restriction upon the Use of Foreign Shipping, for the Benefit of Your Majesty's People.

"We humbly thank Your Majesty for acquainting us that Communications have been addressed by Your Majesty's Command to the Universities of *Oxford* and *Cambridge*, with reference to the Improvements which it may be desirable to effect in their Institutions; and for informing us that these Communications will be laid before us, and that measures will be proposed for our Consideration with the view of giving effect to such improvements.

"We learn with Satisfaction that the Establishments requisite for the Conduct of the Civil Service, and the Arrangements bearing upon its Condition, have recently been under Review; and we

humbly thank Your Majesty for informing us that Your Majesty will direct a Plan to be laid before us having for its Object the Improvement of the System of Admission, and thereby to increase the Efficiency of the Service.

“We rejoice to learn that the recent Measures of Legal Reform have proved highly beneficial, and that the Success which has attended them has been such as may well encourage us to proceed with further Amendments; and we beg humbly to express our Thanks to Your Majesty for the Information that Bills will be submitted to us for transferring from the Ecclesiastical to the Civil Courts the Cognizance of Testamentary and of Matrimonial Causes, and for giving increased Efficiency to the Superior Courts of Common Law.

“We humbly beg to concur in the Opinion expressed by Your Majesty that the Laws relating to the Poor have of late undergone much salutary Amendment; and we assure Your Majesty that our best Attention shall be directed to the Law of Settlement, in compliance with Your Majesty’s Recommendation, and in accordance with Your Majesty’s Intimation that this Law impedes the Freedom of Labour, and that if this Restraint can with Safety be relaxed, the Workman may be enabled to increase the Fruits of his Industry, and the Interests of Capital and of Labour will be more firmly united.

“We humbly thank Your Majesty for informing us that Measures will be submitted to us for the Amendment of the Laws relating to the Representation of the Commons in Parliament.

“We humbly express our Concurrence in the Opinion that recent experience has shown that it is necessary to take more effectual Precautions against the Evils of Bribery and of corrupt Practices at Elections.

“We assure Your Majesty that it will be our Duty to consider whether more complete Effect may not be given to the Principles of the Act of the last Reign, whereby Reforms were made in the Representation of the People in Parliament; and we humbly thank Your Majesty for acquainting us that, in recommending this Subject to our Consideration, Your Majesty’s Desire is to remove every Cause of just Complaint, to increase general Confidence in the Legislature, and to give additional Stability to the settled Institutions of the State.

“We beg leave to express our humble Thanks to Your Majesty for submitting these important Subjects to our Consideration; and we assure Your Majesty that we unite with Your Majesty in fervently praying to Almighty God to prosper our Counsels and to guide our Decisions.”

THE EARL OF DUCIE: My Lords, in rising to recommend to your notice the Address in answer to the Speech from the Throne, I must entreat of your Lordships to extend to me that kind forbearance which is usually granted to those who have the honour of addressing you for the first time. And I feel that after the able, and I may add the brilliant, part that has been taken by my noble Colleague, the duties of the seconder have been rendered more than usually subordinate.

In approaching the topics treated of in Her Majesty’s Speech—in considering the magnitude and importance of surrounding events, and the tremendous consequences that they may involve—standing perhaps on the brink of a war which may yet deluge Europe with blood, impede civilisation, and bring disaster to commerce and trade—in approaching such subjects as these, I feel that your Lordships will allow that I have some cause for diffidence, and that I have a double claim on your Lordships’ indulgence.

In calling your attention to the first paragraph of Her Majesty’s Speech, I feel certain that your Lordships will sympathise with the regret therein expressed at the circumstances which threaten the independence of an old ally, and which cast a shade over our relations with Russia. The unjustifiable demands of that Power, her menacing attitude, and her hostile attempts on the integrity of the Turkish Empire, have induced Her Majesty’s Ministers, after the utmost exertions to maintain peace, and the most laudable endeavours to preserve the independence of the Ottoman Porte—without the last and most terrible resort to arms—have induced Her Majesty’s Ministers to lend that material aid which the exigencies the case demand. They have therefore despatched Her Majesty’s fleet into the Black Sea, in order to prevent any further collision between the contending Powers, and to prevent a repetition of those attacks which have proved so disastrous to our ally. But while Her Majesty’s Ministers have made every exertion to maintain that peace with which Europe has been for so

long a time blessed, and which has contributed so materially to the progress and prosperity of this country, it will be found that they have not only provided for national defences, but for the exigencies which a declaration of war may produce. And should a war ensue—an event that I trust the Almighty may yet see fit to avert—I feel that the nation may congratulate Her Majesty upon the extent and resources of her Navy.

Who, my Lords, of that vast multitude that in August last assembled to witness a British Sovereign leading out her fleets to sea—who but felt that in those stately columns England as yet owned no divided sovereignty of the seas? But, powerful as that fleet was, it was but a shadow of that which now floats equipped for war; for I find that there are upwards of twenty screw steamships in commission competent to take their places in line of battle, bearing guns of a calibre yet untried in war, and manned by crews amongst whom the spirit of Blake and Nelson yet survives. With such a Navy, this country is in such a state of preparation, that in the event of war, we may feel confident of the success of Her Majesty's flag, the defence of her shores, and the security of her subjects' commerce.

And, my Lords, while congratulating Her Majesty on the efficiency of her Navy, we may turn with feelings of equal pride to her soldiers, men who have borne her arms victorious in all parts of the globe—who on the Sutlej, in Burmah, and in the fastnesses of Southern Africa, have shown that they bear the spirit of their forefathers, and that they are not likely to tarnish their fame if called upon to act upon the shores of the Bosphorus. My Lords, I trust that both Houses of Parliament will render that assistance to Her Majesty which circumstances so urgently demand, and that they will exhibit that unanimity in their councils so necessary to the successful prosecution of a war; and I feel certain that the nation will own, that whatever sacrifices they may be called upon to make, are required no less by justice than by expediency.

My Lords, it is impossible to advert to our relations with France, without feelings of the liveliest satisfaction; and I feel that the cordial co-operation of that Power in our mutual endeavours to promote the welfare of our ally, will give additional weight to those mediations which have peace for their object, and in the event of

an appeal to arms, will materially conduce to that end—in pursuit of which alone war is justifiable—the restoration of an honourable peace.

My Lords, the present state of the revenue of this country is also a source of satisfaction, and affords an infallible proof of national prosperity. Although the blessings of an abundant harvest have not been vouchsafed to us—in spite of the great reduction of taxation effected last Session, and in spite of the unhappy differences between employers and employed, which have caused so a great stagnation of capital, and have plunged so many of the working classes into indigence:—in the face of such drawbacks as these, I find that the revenue of the past year shows an increase over that of the preceding to the amount of 1,300,000*l*. If we turn to our exports we find an increase of still more extraordinary magnitude, and which, although partially to be accounted for by the demand created by emigration, is nevertheless a sufficient proof of the flourishing condition of our commerce. Such facts as these are sufficient proofs of the progressive wealth of this country, and prove that it was never better able to maintain the expenses which warlike preparations and the proposed augmentation of forces must cause, than at the present moment.

In the proposed measure for throwing open the coasting trade to vessels of all friendly nations, Her Majesty's Ministers are completing those measures of free trade which have been so eminently successful, and which, while they have given a stimulus to the trade, the commerce, and the agriculture of this country, have, by the reciprocal advantages which they afford, tended to strengthen our relations with foreign States.

My Lords, as it has not been my honour to be a member of either University, I do not feel qualified to discuss the subject; and in leaving it to my noble Colleague, I feel that I shall be but paying the compliment due to one whose University career has been marked by no small distinction. I feel that your Lordships will concur in the opinion expressed by Her Majesty, that the present state of the law of settlement proves a serious obstacle to those of the working classes who may wish to change their residence in order to carry their labour to a market where a greater demand may exist for it; and I trust, that by the proposed alterations not only paro-

chial expenses may be lessened, but that such a spirit of freedom and independence may be engendered among the working classes as cannot fail to elevate them and ameliorate their condition.

In the proposed measure of Parliamentary reform, I feel that the country will hail with delight any change in the law and practice of elections which may deal a blow to that system of bribery and intimidation which is a disgrace to our institutions, and which the disclosures of the late Election Committees prove to have reached to such an extent, that the franchise, instead of being looked upon as a privilege, is as often considered as a marketable commodity, or looked upon with feelings of dread. I feel, my Lords, that the country will appreciate fully any exertions which may be made towards the purification of our electoral system, and I feel confident that the proposed alterations will prove a source of satisfaction to all parties.

And now, my Lords, having reached the last paragraph of Her Majesty's Speech, I add a fervent Amen to that prayer which entreats the Almighty to guide your Lordships' councils; and I pray, that by the strength of His right hand he may lead this nation in safety through these troubled times. I beg to recommend the Address to your Lordships' notice.

**THE MARQUESS OF CLANRICARDE:** My Lords, I think it desirable that on all possible occasions the Address in answer to the Royal Speech should meet with unanimous concurrence, and it is under peculiar circumstances I arise to address to your Lordships the observations which I think the Royal Speech requires. I rejoice to think that upon the present occasion, in the present critical state of Europe and of this country, there is no probability that an Amendment will be moved to the Address which has been so ably moved by the noble Earl who first spoke, and who showed so much tact, judgment, and eloquence, as to give us reason to hope that we shall often have his assistance in our debates. Nor would it be right to omit to say that the noble Earl who seconded the Address worthily imitated the speech of the noble Earl who preceded him. With respect to the portion of the Address which refers to home affairs, I have very little to trouble your Lordships with, but I desire to say that I entirely concur in the whole scope of that portion of the Speech and the Address.

*The Earl of Ducie*

I rejoice especially that legal reform will be extended, and that we have a promise of the abatement of what has been a long-felt nuisance in this country—the Ecclesiastical Courts—which have existed only to make redress of wrong and the administration of justice difficult for the rich, and unattainable for the poor. With respect to the other topics, such as the proposed Amendment of the Law of Settlement, and the alteration of the institutions of our Universities, it would be unbecoming to pronounce any opinion until we see the plans which will be submitted to Parliament. All I can say at present is, that, for my own part, I am glad that such plans are to be brought forward. With respect to the reform of Parliament and the Bill for the prevention in future of the malpractices of bribery and corruption at elections, I think there can be no man in this country but must be anxious to see an efficient measure brought in to relieve the country from the disgrace which such practices bring upon it, and at the same time to improve the representation of the country. Of course I, who humbly concurred in bringing forward a measure for the extension of the franchise a few years ago, cannot but be disposed to consider favourably any plan for its extension, and for the amelioration of constituencies, which may now be proposed, although I may have doubts whether at this particular time it is expedient to enter upon the consideration of so very exciting a subject.

With respect to foreign affairs, however, I feel called upon, however painful and discordant to my feelings in many respects it may be, to trouble your Lordships with some expression of my opinion before I can concur in the Address which has been moved. I do not mean to say that I hesitate to give my concurrence to that Address, but that, being called upon, though indirectly, and in a slight manner, by the reference to a contemplated increase in our fleets and armies, and to an existing state of warfare, to express an opinion more or less on the past, I conceive that I should not be acting rightly in giving a silent concurrence to that Address. If I could agree in the expression of the Royal Speech, and of the Address in reply, implying that the endeavours of the Government to preserve peace—which were stated to have been, and which I do not doubt had been, unremitting—had been as well-directed as unremitting, and characterised by that straightforwardness, decision, and vigour,



that became the character of this country—if I could admit that, I should not think it necessary to say one word on the subject. But it seems to me, so far as we are in possession of the subject, that these endeavours have been mistaken—have been characterised by vacillation and inconsistency, and have not conveyed a true opinion of what was the determination of the English Government; which even up to this day, up to this moment, if any has been taken, is concealed alike from Parliament and from the world at large. Even in Her Majesty's Speech, which unfortunately I had not seen or heard until I came into the House this evening, there is no indication of what is our present position, or what is to be our future course. After a reference to Russia and Turkey, an allusion is made to a state of warfare, implying that war rages between Russia and Turkey, and that an increase is required in our Army and Navy to add force to our representations and our efforts to restore and preserve peace. But not one word is said as to what is our position either with respect to Russia or to Turkey; not a word is said as to whether we are at peace or war. Your Lordships know not from Her Majesty's Speech in what position the country stands, or what we are about. Nevertheless, if public rumours are to be relied on—and they cannot be altogether wrong and unfounded—we are at this moment at war. If we are at war, why is the Government afraid to say so? That has been the mistake all through. It is impossible to say that the conduct which we have pursued in siding with one belligerent Power, is not an actual state of hostility; and if we are about to commit ourselves to actual hostilities, do we wish to do so in the dark? Do we wish to shift or shuffle from acknowledging it? These are not, I am sure, the sentiments of Government, but I think it is unfortunate that there has not been a more explicit declaration on the part of the Government of what is our present position, and what course they intend to take. No object is held out by the Government as that for which we are striving, except the preservation of peace; not one word is said about maintaining the honour or character of this country, or of fulfilling its engagements. Peace, no matter how or why, is the only thing directly pointed at as the object of increasing our Army and Navy, although indeed it is said that "the interests of the country"—a wide and general

phrase—may require the augmentation of our forces. In making these observations, I feel very much embarrassed by two difficulties. In the first place, I labour under a want of information in detail on what has taken place. In this respect there has been a great difference between the conduct of our own Government and that of every other country concerned in these transactions. In this country it was thought that the people and the Parliament had some voice in public affairs; yet in other countries where the same constitutional doctrines do not prevail as in this, considerable information has been given to the public; while in England not one word has been laid before Parliament, no information whatever has been given to the country upon these subjects, until we find ourselves in this position, which is not clearly explained to us in the Speech, and which appears to be so unsatisfactory to all parties. Therefore this want of information is no fault of mine. However, in the observations which I shall make to your Lordships, I shall not require to go into detail. The facts to which I shall address myself are those great facts which are patent to all, and which cannot be denied nor doubted by any man. Another difficulty under which I labour is, that so humble a Member of your Lordships' House must seem guilty of presumption in attacking the foreign policy of a Cabinet, including many men of great ability and long-trying experience in foreign affairs, and who might be supposed, without disparagement to others, to be as well qualified as any men in this country to conduct them with satisfaction. But I feel myself relieved from that difficulty when I consider that, if you look at the course of these affairs, so far as we can judge of them by the aid of facts which are indisputable, it is almost impossible not to come to the conclusion that no one of the authorities to whom I allude has been allowed to conduct these affairs according to his own judgment—that there has been a difference, and, therefore, a compromise of opinion on many occasions among the Members of the Government themselves; the consequence of which has very likely been a unanimity in the Cabinet, but a unanimity which seems to have been a unanimity of compromise, and not a unanimity of opinion, upon any line to be taken—any straight line, to be followed without deviation and without inconsistency. I say, then, that I do not feel that I offend much

against any great authority by venturing to criticise the foreign policy of Her Majesty's Government. This at least I may say—what no authority can deny or overthrow—that there never was such a total want of success as has attended the whole course pursued. All that was told us in the last Session by my noble Friend at the head, and by the organs and friends of the Government since, and all that we are now told, is, that one object was peace, another the integrity of the Turkish empire, and a third, the maintenance of the interests, character, and dignity of this country. I regret to say that I cannot think that any of these objects has been attained. I say it with the deepest regret, but I think those of your Lordships who have visited the Continent, or have attended to the feelings which have shown themselves there during the recess, cannot but have perceived that the people of Europe have conceived a very low opinion of the English character and conduct as exhibited in these affairs. It is impossible for any person to have read the foreign papers, or to have mixed in any class of society on the Continent during the autumn, without knowing that the bitterest sarcasms and sneers were thrown upon the English nation and people. We were held out as afraid, as not to be trusted by friends nor to be feared by foes—as being “willing to wound, but yet afraid to strike.” It was very painful to hear this; but I must say that I feel it was deserved. Again, your Lordships were told that it was essential to maintain the integrity and independence of the Turkish empire; yet two of the finest provinces, not only of that empire, but of any empire in Europe, have been ravished from the Sultan, and are in the possession of the Czar. Then we were assured that peace would be preserved. Peace! Why, we are at war. Russia and Turkey are at war, and it is a war which affects all Europe. France and England, Russia and Turkey, are actively engaged in it, and it rages in a great portion of Asia. Not only in Persia, from which it is now said that favourable despatches have been received, but along the whole line of Asia, up to the very border of our Indian territory, will the consequences of our conduct—be that conduct good or bad—be felt with great effect. We have never had a greater war, in its very possible consequences, than that of which we are now upon the brink, and to stop which no likely course

*The Marquess of Clanricarde*

has yet been adopted. I ventured to say in the last Session, and I now repeat, that I think the adoption of a firm and direct course on the part of the Government would have insured peace, and prevented those calamities which we have already witnessed, and from which we have in part suffered ourselves. Not only are we at war in the Black Sea, but all through the autumn and winter we have felt a great portion of the calamities of war. Our trade has been checked; our commerce has been greatly injured; all speculation throughout the country has been stagnated; and the financial operations of the Finance Minister of the country have been greatly impeded by the state of things in the East. We have, therefore, already suffered loss from this war, in addition to being now called on to increase our Army and Navy.

I must ask your Lordships to recollect the course of events which has led to this. So long ago as December, 1852, we were aware that there was a concentration of troops in the South of Russia on the Turkish frontier. That has always been the point from which danger was likely to arise to the peace of Europe; and that is exactly the quarter where war has broken out. For many years no European statesman had considered the policy and principles of the Russian Government without coming to the conclusion that, probably for the last century, but certainly from the time of Catherine, the views of Russia have been steadily directed to watching every opportunity, especially when there was peace, of encroaching upon Turkey, either by negotiation or by a slight war, and, bit by bit, obtaining possession of her territory. If, therefore, there was a quarter in all Europe which should have been watched with jealousy and suspicion, and distrust, it was exactly the very quarter in which we were informed that danger might be expected so long ago as last December. During the winter our own newspaper press called attention to this, and early in February there was a notice in the *Times* newspaper—I dare say it was true—that for the second time there had been a threat from the Emperor of Russia to occupy the Danubian provinces. Not only was the concentration of troops to which I have referred observed by other Governments, but the mission of Prince Menchikoff—not the name of the ambassador, but the fact that such a mission was in preparation, and that some demand of a very extensive

and dangerous character was to be made by Russia upon the Sultan—was well known to other Courts of Europe early in the past year, if not at the close of the previous one. I have on a former occasion said that Prince Leiningen's mission was occasioned mainly by its being well known to the Austrian Government that some such mission as Prince Menchikoff's was about to proceed with some very serious demands concurrently with the concentration of forces to which I have referred. Perhaps Austria was determined that if a "scramble" was to begin, she would have her share; at any rate she wanted to be sure that the intrigues which it was well known to every other Government, and therefore I doubt not to ours, were going on at St. Petersburg with Prince Daniel, of Montenegro, should not enable the Emperor of Russia, if he succeeded in gaining the protectorate over the Greeks which he was about to claim, to encircle Austria, and to extend his territory down to the Adriatic. There is no doubt that Austria was well aware that some very important mission was about to proceed to Constantinople from Russia. Moreover, so far back as February, the French Government called the attention of Her Majesty's Government—that is to say, of the noble Lord who was then Secretary of State for Foreign Affairs (Lord John Russell)—to these circumstances, and strongly advised that the British Government should consider the matter well with the view of taking a determined line of policy. If such a communication as that had been made—and I cannot doubt that it was from statements which have since appeared and have never been contradicted—undoubtedly it was very important. At the same time it was not at all unnatural that the Secretary of State for Foreign Affairs should view any such communication as that with some suspicion—lest the object of the French Government might be to induce us to embroil ourselves, and to entangle us in what was called the question of the Holy Places, and those matters in dispute between persons of different Christian creeds at Jerusalem. But it would have been perfectly consistent with that suspicion, which certainly ought not to have been left out of the sight of a wise Minister—it would have been perfectly consistent with that suspicion to have looked narrowly into the whole aspect of affairs, to have been prepared with a line of policy, though he need not have been led

into pronouncing at once what he considered might be the course of action most advisable to pursue. Could any man doubt, from the character of Prince Menchikoff's mission, when he proceeded to Constantinople, that there was something more involved in the question than a silver star or the key of a church door. No man, I am assured, who had paid any attention to the state of affairs, could doubt that there were behind that ostensible mission much graver causes for the embassy which was sent with so much pomp and circumstance. But even if the country had up to this time been uninformed, even if no such communication had been made to the English Cabinet, I am surprised that our Minister at St. Petersburg should have been the only Minister who did not communicate to his Government what was going on, as I know the Ministers of other countries communicated that information to their respective Courts. But if no such information was received, and if our Government was in ignorance up to that time, was it not enough to enlighten them when Colonel Rose required the presence of the fleet—acting upon an estimate of information and accuracy of foresight which does that diplomatist infinite credit, and for which he is entitled to the grateful thanks of the country—and I regret that his advice was not taken. What was the fact as it was known at the time? Prince Menchikoff having stated his first demands, had also given in the project of a convention, with an assurance that Russia would consider it an act of hostility if the Porte should communicate its contents to any of the great Powers. That in itself showed the whole thing, in vulgar parlance it showed the cloven foot, and at once exposed the character of his mission and the intentions of his Government. But when on a previous occasion I called your Lordships' attention to the subject, and my noble Friend the Secretary of State for Foreign Affairs (the Earl of Clarendon) expressed his views on the subject, he astonished me by stating that he had full information on the subject of the mission—that the Emperor of Russia had shown no hesitation in declaring what his intentions really were; but that he did not wonder that Colonel Rose, having limited information, had acted as he had done. It is now, however, quite clear that he took the wisest step that could be taken. My Lords, I must repeat what I said at the time—I cannot bring myself to the belief that



if a plain straightforward question had been put to the Emperor of Russia, and a straightforward answer had been given, that that answer would not have been the truth. If you had not got a straightforward answer, the whole case would have been perfectly clear. I have had some personal experience on that point; and when I have received an evasive answer, or what is called a general assurance, I, of course, put it down that I could not get a straightforward answer which would be satisfactory. If I were empowered to do so, I should have pressed for one; and I must say that I never got a straightforward answer from the Emperor of Russia that was not the truth. If I did not get a straightforward answer, but only a general assurance, I always attributed it to a desire not to give the information required, and though I might not press at the time for a direct answer, I always reported the answer as in my opinion unsatisfactory to the Home Government. But then you might have made up your mind what you would do in certain contingencies, and if you did not get a straightforward answer from the Emperor of Russia, you might at least have made him a straightforward communication. I must beg your Lordships to observe what has been the conduct of the French Government throughout this question. There was no hesitation on their part. When the information similar to that sent by Colonel Rose was communicated to the French Government, they at once ordered out their fleet, and thereby gave the Russian Government to understand that they would not remain passive and unconcerned spectators of any outrage on the independence and integrity of Turkey. I am glad to be informed that Her Majesty's Government are now in active co-operation with the Government of France. I believe the French Government has acted throughout in the most friendly, straightforward, and cordial manner with our Government, and I trust they will continue to do so to the end. That these two Governments must ultimately succeed against the intrigues and arms of Russia, no man can entertain any doubt whatever; and I must say that the course adopted by the French Government from the commencement has been plain and straightforward, and worthy of the greatest credit. I happened at the time when the Eastern question was attracting much attention to be at Paris, and when the French fleet was sent to the Levant

*The Marquess of Clanricarde*

it was at that time currently reported—and I have no reason for believing that report to be incorrect—that Her Majesty's Ministers were not acting with anything like cordiality with the Government of France. It was currently reported, and generally credited, that our Ambassador at that capital was directed to use every effort in his power—to use every art of persuasion, and urge every entreaty, to stop the French fleet from going to the East; and, that it was in consequence of his entreaty, and able, active, and earnest exertions, that fleet did not proceed beyond a certain distance. If the two fleets had at that moment proceeded to Besika Bay, where they clearly had a right to go, and if a clear announcement of the determination of the French Government and of the British Government to stand hand in hand and shoulder to shoulder for the protection of Turkish territory and Turkish property of all kinds from any wrong or injury, had been made to the Emperor of Russia, I believe that there would at this moment have been perfect peace throughout Europe. But that was not done. No communication whatever was made to Parliament relative to the state of affairs, and we were only too happy to be told, at the close of the last Session of Parliament, that negotiations were going on in a very smooth manner, and that there was every prospect of their being brought to a speedy and satisfactory conclusion. But that statement does not appear to have been justified by facts; and judging by the only despatch given to the world, it seems that there was at that very time anything but an agreeable correspondence going on between this country and Russia; and it is remarkable that in that paper—the reply which my noble Friend made to the communication of Count Nesselrode—although his answer was excellent so far as it went, convicting Count Nesselrode of want of logic, deficiency of argument, and want of truth, my noble Friend carefully avoided saying one word as to what course Her Majesty's Government intended to take. Now I do not wish to say anything the least disrespectful of the noble Earl or of Her Majesty's Government, but I must tell them that the Emperor of Russia cared very little for their opinion, but he did care a good deal as to what they intended to do; and that is exactly the thing about which not one word was said. I do not think that your Lordships or the country were

very fairly treated in this particular matter. The despatch to which I refer was written on the 16th of July, and although Parliament did not rise till the 20th of August, no paper whatever relative to the Montenegrin business, or the Holy Places, or those still more serious matters, was presented to Parliament. But in less than three weeks after Parliament rises, this solitary despatch appears in one of the daily newspapers. Now, we have a *Gazette*, in which in cases relating to war all matters which the Government desire to make known are published—and although that was not a time of war, this was a matter relating to war—and if it was desirable when Parliament was not sitting that this despatch of the Government should be published, its publication in the *Gazette* in an official form, with the despatch to which that was an answer, would have been the fair and proper mode of proceeding. I will not say there may not be some conveniences in having papers, as they have in other countries, in which the Government may publish documents and such other information as they wish to give to the public; such a course, however, is new in this country, and if it is to be done here it ought to be done as it is there—there ought to be an official and a non-official support. <sup>the</sup> <sup>co-</sup> <sup>the</sup> <sup>paper.</sup> Whilst these angry questions were in progress Parliament was in session. Her Majesty was advised to say that she had great hopes of the speedy termination of the dispute. Now, this angry despatch was written on the 16th of July, and when the feelings of the Government were so bitter that they published a paper containing nothing except abuse very pointedly and harshly levelled at Russia, I want to know on what were founded the hopes expressed in the Royal Speech. I suppose they were founded on an anticipation of the Conference at Vienna, which took place later in the autumn. I must say a word respecting that Conference, because it seems to me to have been the least calculated to attain the object in view of any proceeding that could have been adopted by the British Government. First of all look at the place selected. In the known relations and alliances which had lately existed between the Austrian monarchy and the Russian empire, it certainly could not be very reassuring to Turkey to have the conference carried on at Vienna. Then who were the men employed? You choose to go to a place where you find the most

able, the most astute, the most accomplished of all the Russian diplomatists, ready seated and accredited to attend the conference. When I mention the name of M. de Meyendorff, every one knows him to be not only a most agreeable, highly-informed gentleman in society, but to be looked upon as the rising hope of Russia in regard to diplomacy, and he is probably the ablest diplomatist in Europe at the present time. It was known that his influence at Vienna at that time, and under the then existing circumstances, was unbounded. The result of that Conference was exactly such a note as might have been composed in the Russian *Chancellerie*, only with this difference, that instead of saying it meant what every other man thought it did mean, the Conference said it meant something quite different. It was thought to be the most one-sided production ever put forth by a set of men appointed to arbitrate. And what was the consequence? Such a note could only be treated in one way. It was accepted immediately at St. Petersburg—it was immediately rejected by the Porte. But will your Lordships believe that whilst a Russian diplomatist was informed of every single thing that was going on, not one word was known by the Divan or the Porte until the Conference was ended and the note despatched. I know not whether our Ambassador there was acquainted with the circumstance or not. But if not one word was said to Turkey, I ask was it fair play to Turkey to allow the Russian diplomatist to assist at the council, and to keep the Sultan in ignorance of the plan proposed for a settlement of the dispute? I ask your Lordships to observe the natural consequence of this proceeding. It afterwards gave the Emperor of Russia the opportunity of asking the English Government, “Why did you alter the terms proposed to me? You proposed terms which I thought fair. I accepted them, and I adhere to them.” Russia says this, and with very great show of reason. Well, then, while Parliament was sitting, my noble Friend admitted that Russia had taken possession of two of the provinces of the Turkish empire, which it was one of our objects to preserve entire. Did we do anything to dislodge them? When the Russian army was in very bad health we did what we could to prevent the Sultan allowing his general to act on the offensive, and I believe when he did act with such decision and ability as to gain the glorious victory at Oltenitza, orders had been given that, if

they had reached Omar Pacha in time, would have made him defer his operations. Such was the care that had been taken that the Russians, who expected great reinforcements, should not be disturbed in their occupation of the Principalities. However, negotiations went on. During the whole time it was natural for the Emperor of Russia to believe—and no man doubts that he acted under that belief—that this country and this Government would not go to war, and would not act with the French Government in a cordial manner, and would not take active measures to preserve the integrity of the Porte, when it came to a question of fighting for the object which you had in view. The consequence was, that the war went on on a very extensive scale. And then we were obliged to send fleets—not into the Bosphorus, to protect the Turkish territory and Turkish property—but we sent our forces to Constantinople, there to remain; and the result of this feeble step was the massacre of Sinope, which is an eternal disgrace to this country. I cannot, in my conscience, help saying that grave responsibility for the blood that was there shed rests upon the Ministers of this country. I want to know what your fleet went to the Dardanelles for? Why are they sent into the Black Sea now? They have gone into the Black Sea for the purpose, I suppose, for which they were originally sent out, as we are told, to protect Turkish property and the Turkish empire. I want to know what has occurred since the massacre at Sinope to justify your sending your fleet into the Black Sea. if you were not justified in doing so before? I say you have no justification. You may regard, and justly regard, with abhorrence that massacre, as it is called, of that unfortunate town and of those ships, totally contrary to our notions of civilised warfare, and the practice of all civilised nations at war when a superior force meets an inferior one—but so far as the attack on the Turkish ships goes, the Emperor of Russia was perfectly justified. He was in a declared state of war with Turkey; he found the Turkish ships conveying the munitions of war and troops to Asia—I have no doubt they were, or had been employed, in conveying troops and the munitions of war to Batoum—and the Emperor of Russia had as much right to attack them as he would have had to attack Turkish troops. I ask if you sent ships up to Constantinople to protect the Turkish territory and Turkish

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property, why did you not protect these ships? It is no answer to tell me you advised these ships not to go to sea. If a people go to war, and you, proclaiming yourself their allies, refuse to be their auxiliaries in the hour of danger, it is a disgrace and a discredit to your arms and your policy. It may be said that the French Government was equally to be blamed for that disaster; but it is an old proverb, that "two blacks do not make one white," and I may add, that it is notorious that the vigour and energy with which the French Government wished to act, for a long time was checked and damped by the English Government. That I have not the least hesitation in saying. I dare say we shall be told that they made no official proposition that was ever rejected. Of course no diplomatist would advance a proposition when it was known to be contrary to the feelings of the ally with whom he desired to act. But it is said that there is now unanimity in the feelings of the European Powers upon this question, and I suppose I shall be told that we have Austria and Prussia with us. Now, I doubt that to be the case. I say, if there can be a case that can justify your entertaining a conviction upon an hypothesis, it is perfectly clear that Austria joined us only when she was forced to do so by the course of events. Her relations were such as could have gone on with another manner, and her policy she would have followed of herself. But if I am told that Austria and Prussia have joined us—principally Austria, for that is the Power insisted upon—I ask what is the contingent that Austria has engaged to furnish? I should like to know if it was upon the advice or even with approval of Austria that our ships have gone into the Black Sea? If it be not so, let me not be told that Austria has joined us. It is no proof that Austria is in favour of the course of policy adopted by the French and English Governments that she has expressed a determination to uphold the dignity and integrity of the Turkish empire. Why, Russia says she has great respect for the integrity of the Turkish empire. But that is a general kind of assurance on which it will not do for this country to rely. But if Austria has joined, is that owing to the course and conduct of the British Government? It is well known that language most clear and distinct, language the most courteous, but at the same time of the firmest character, has been held by the French Government

to Austria on the question of how much "neutrality" she would be allowed to exercise. From the first moment this conflict appeared inevitable, every one foresaw that Austria must, more or less, join England and France in this matter, or that the empire of Austria would in six months cease to exist. No man can look to the condition of the south of Germany, to Italy, and to Hungary, and suppose it possible that her existence would be worth anything at the end of six months if she joined Russia in such a war. At the same time, no man can doubt that it was by energy, by speaking out boldly, and by showing determination, that the alliance of Austria has been gained by France, not by England, so far as it can be said to have been gained, and not by hesitating language, by talking very big of our determination, and not showing that we are prepared to enforce it, and by making propositions which nobody supposes would be satisfactory. It was by prompt and energetic language, by letting it be known that that language would be followed up, that Austria has been induced to join us to the extent she has joined us.—but very wisely she is not mentioned in the same manner as France, because I believe we cannot count on her for any great military support. Well, setting Austria out of the question, what is the state of affairs at the present moment? We have sent a proposition to St. Petersburg for the renewal of a Conference. After all that has passed, I believe a favourable reply is not likely to be received; but at the same time I will say that, if the Emperor of Russia does not send a favourable reply, he totally misunderstands his own interest, because by our present proposal we give him up at once all he professed to aim at. The Emperor said, "I only want to stand upon the old treaties—I only want the proper recognition of my rights of protectorate;" and according to the terms proposed, he will go into that conference totally unpledged to anything different from what Prince Menchikoff demanded five months ago. But see what an advantage you have given him if he refuses, and you force him into war. God forbid this country should ever go into war without objects so great as to make it, in the opinion of the Government and of Parliament, necessary that we should adopt that fearful alternative! What are our objects if we go to war now? We are, according to

your last propositions, to go to war for the renewal and reimposition upon Turkey of those treaties which have led to constant contentions, and have now led to this very war, and which, if renewed as they were before, will be sure to generate another contest in a short time, whenever Russia finds herself in a position to commence one. You proclaim that to be your object. If that be your object, and you are to do that, you had better at once have taken an entirely different course. It was open to this country to have said, "We will have nothing to do with these matters, which do not concern us, and we will not go to war to assist you; and if you, Turkey, get into war, upon your own shoulders let the consequences rest." A number of persons have entertained that opinion. Now, I entertain a contrary opinion. I think that course would have been attended with immediate ease, and would have avoided considerable present difficulties. But I believe that in the course of a short time it would have led to a general European war, into which we should soon have been forced, and into which we should have had to enter, with crippled means and crippled allies, and every other possible disadvantage. I believe that if war had been delayed until after the Emperor had once been permitted to set his grasp upon the Turkish Government, that delay might have led to the loss of our Indian empire. I believe that might have been the result of such a course of proceeding. I think, therefore, that the right policy to adopt, was the policy of interference to be carried on in the spirit of the treaty of 1841. But I say, if Russia is mad enough to force us into this war, of which no man can doubt the result, and of which I am afraid no man can calculate the expense and the consequences—I say if Russia is mad enough to force us into this war, we must not enter into it for the renewal of these treaties; it must be for the abolition of those treaties, and for a final settlement of the whole question. When our Government was so indignant at the supposition that the evacuation of the Principalities was not a *sine quâ non*, why has Russia been permitted to hold these territories for six months?—why has she been permitted to confiscate the revenues of the Sultan, to press his subjects into her service, to maltreat the boyards, and to exercise every act of oppression, while we, at the same time, call ourselves allies of the Turks? Is



not Russia to be called to account for the whole of these proceedings? The sanction of such things is a disgrace to which I trust England never will be subjected. I have an abhorrence of war, but I should be sorry to move an Amendment to this Address; I am as ready as any man in the country to support the Government, and to bring them out of the scrape into which they have got; but I could not, as an honest man, withhold the expression of my opinion; thinking, as I do, that it was our own want of energy and decision which has deceived the Emperor of Russia—of whose deceit we hear so much—and has, as it were, decoyed him into the war in which there is too much reason to fear we are about to be involved.

THE EARL OF CLARENDON: My Lords, I think that my noble Friend the noble Marquess who has just sat down might perhaps have acted more fairly towards the Government, though perhaps not as conveniently to himself, if he had waited for the production of those papers which Her Majesty has assured the House there shall be no delay in laying before your Lordships, and which before your Lordships separate this evening, it is my intention to place on your table. I repeat I think my noble Friend would have acted more fairly to us if he had waited for this information; but this is only another proof of that of which I have seen so many in the course of the last few months—I mean the inconvenience which has arisen from our not having had the opportunity of laying more perfect information on this subject before the country. Nobody can more have regretted than myself that such information should not have been produced; nobody can be more aware than myself that many misrepresentations might have been prevented, or certainly corrected, by the production of greater information; but we thought it right not to depart from the established practice of this country. The Government is amenable to Parliament alone for its conduct; to Parliament alone could it give full and complete information; and we therefore thought it right to abstain from following the example which has been held out to us for our imitation—the example of other countries who have no Parliament to account to. We thought it better to abstain from producing from time to time the information in our possession, and which I am now about to lay upon the table, although it might have satisfied the public anxiety,

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and, to a certain degree, been just to ourselves. It might, however, at the same time, have been disadvantageous to the cause of peace; and, although I fear I may by the confession stand still lower in my noble Friend's estimation than I now appear to do, I am not either afraid or ashamed to say that the maintenance of peace has been the great object to which our labours have been directed. My noble Friend seems to think that we have shown an abject determination to avoid war. My Lords, we have done no such thing, but we have felt it our duty to stop short of no sacrifices except that of national honour, and of not fulfilling our engagements, to maintain peace. We felt it a duty we owed to humanity, we felt it a duty we owed as professors of Christianity, we felt it a duty to those numberless social, political, and commercial interests that have grown up, and have been extended to every part of the world during a peace of unexampled duration; we have felt it as a duty to other countries who, like ourselves, turning to account the blessings of peace, have perhaps more than ourselves to dread from the dangers of war. For, my Lords, it must be remembered that if this peace, which is of unexampled duration, be once broken, it may be followed by a war alike without a parallel, and as unexampled as itself in modern history. Besides the tearing asunder of those bonds of reciprocal interests which now bind the different countries of Europe as one family, it must be remembered that those doctrines and opinions which convulsed Europe in 1848 are still cherished by millions, that they have lost nothing of their intensity by their forcible repression in that year of struggle, and that they are ready now to explode again if the opportunity be given them. A war now, my Lords, would be no ordinary war, and attended by no ordinary consequences. Europe, in such a war, would be the battlefield, not alone of contending armies, but of contending opinions, and we, to whom such mighty interests are intrusted, have felt that we should have shown ourselves utterly unmindful of the claims both of humanity and of religion, and of all those mighty interests involved in social order, while, in the event of war, we should have disqualified ourselves from the support of the Parliament and of the people of this country, if we could not have shown that we had both exerted and exhausted every effort to maintain peace—the blessings of which we may

perhaps learn to estimate still more highly after the calamity which threatened its maintenance has passed away. If, however, my Lords, we are not destined to be spared this calamity—if it is appointed for us that we are to embark in war, I must say that never was the tranquillity of the world more wantonly disturbed than it will have been by the provocation of that necessity:—never, also, I must say, was there a moment when it was more the duty of England and of France to stand forth firmly to oppose aggression and to support the cause of the weak against the strong. My Lords, my noble Friend has said that we have placed a most undue confidence in the assurances of Russia upon this question. I admit that we did place confidence in those assurances, because they were not only more than we asked, but were moreover all that we could desire. My noble Friend says that whenever he got—though indeed he tells us he seldom got—an answer from Russia, it was always of a direct character, and always one upon which he could rely. Such answers we received from Russia—direct answers—answers on which the noble Lord would have relied. Were we to receive them with suspicion? I would beg to observe, that, in my humble opinion, a policy of suspicion is neither as a system a wise one, nor was it expedient in the present instance. On this occasion, however, there was no ground for suspicion. The Emperor of Russia has certainly, during a long reign, offered abundant proofs that he desired the peace of Europe. I am not inquiring now by what means he obtained it, and for what purposes desired it; but the policy of the Emperor was eminently calculated to maintain the peace of Europe. Over and over again he has affirmed that the Ottoman empire was a European necessity, and that the maintenance of it was a fundamental principle of European policy;—and, certainly, if the Emperor had made up his mind to overthrow the Ottoman empire and to aggrandise Russia at the expense of Turkey, it might have been supposed that he would have availed himself of the opportunities he had in 1848—a period which would have been more suited to his designs, and would have been more likely to see their attainment. The Emperor's past, therefore, offered some guarantee for the future, and gave an additional value to those assurances, which, during the two first months that I had the honour of holding

the seals of the Foreign Office, I can assure your Lordships were frequent, solemn, and complete. I say, my Lords, that to have taken any precautionary measures against assurances so given, would have partaken of the character of a premeditated insult, or a measure of wanton provocation to the very conduct which it was sought to prevent. I can assure your Lordships, moreover, that, whatever my noble Friend may think, up to the end of April last we had no reason whatever to believe that there existed any other cause of difference between Russia and the Porte except that connected with the Holy Places—a question which closely concerned France, and in which the Porte, by endeavouring to please both Powers, had given some cause of complaint to both. The matter only indirectly affecting England, Her Majesty's Ambassador at Constantinople was directed to offer his good offices, in order to settle the existing difficulty. Those good offices were accepted; they were successful, and a settlement of the matter was made, apparently to the satisfaction of every Power. It was only after that settlement that we, for the first time, became aware that other and ulterior objects had been insisted on by Prince Menchikoff. It is perfectly true that during the time of his negotiation rumours of various kinds reached us of treaties which, as it was said, had been proposed under menace, that large Russian armaments were preparing—that more than one large army was on the march towards the south, and that Russia was determined to have the appointment of the patriarch. But any persons who are aware of the great secrecy which is observed in Russia with regard to public affairs, and of the still greater exaggerations of the rumours which from time to time obtain currency in Constantinople respecting them, must be aware also of the caution with which all such rumours should be received. The fact, indeed, of the small force that has ever yet been in the Principalities against Omar Pasha, and of the great length of time which has been occupied in bringing up reinforcements, proves how great must have been the exaggeration of those reports, that even in the month of May last these mighty armies were collected on the frontier. But, my Lords, independently of that consideration, whether these rumours were true or untrue, well founded or ill founded, the Government did not take upon itself to decide. As soon

as they reached us, they were all made known to the Russian Government, and we asked for a categorical answer. We received a plain and distinct one, an answer such as those on which my noble Friend has told your Lordships he was happy to rely. We met with a most unqualified denial of all the rumours and reports. We were again assured that the mission of Prince Menchikoff had reference to nothing but the Holy Places, and that great latitude had been given to him in his instructions for settling that question, amounting in fact to this—that he might settle it in any way he thought most proper—but that it was all he had to settle. I must say that subsequent circumstances proved to a great extent the correctness of that answer; because, although Prince Menchikoff, as the head of the great orthodox Russian party—and I have reason to believe he was so considered in his own country—had gone further in his demands than the requirements of his mission justified, and had endeavoured to extract undue concessions from the fears or the weakness of the Porte, yet most of his earlier demands he abandoned. Thus, he abandoned his proposals for a separate treaty upon the representations of Lord Stratford de Redcliffe. He abandoned, after that, the *ultimatum* he had handed in, and, at last, consented to accept a note, in which his terms were greatly reduced, but which yet could not be accepted by the Porte. When, however, Prince Menchikoff quitted Constantinople, he quitted it under circumstances menacing to the peace of Turkey and the interests of Europe, and it was impossible for us to tell whether some of those armies which we heard were collected on the frontiers of Turkey might not have crossed those frontiers and marched upon Constantinople. We heard of the news of Prince Menchikoff's departure by the telegraph; we waited not for more official details, but immediately ordered the fleet to proceed from Malta to Besika Bay, where it was joined by the French fleet. Your Lordships are aware that Count Nesselrode, after Prince Menchikoff had withdrawn, sent back to Constantinople terms, for the acceptance of which only eight days were allowed, under a threat that otherwise the Principalities should be occupied. As your Lordships are aware, the Sultan refused to comply with the demand, which had thus been rendered more degrading than it was before, and thereupon Count Nesselrode's threat

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was carried into execution. My noble Friend seems to think that if at that time the fleets had been ordered up to Constantinople when the first Russian soldier crossed the Pruth, all that has followed, or is likely to follow, might have been prevented. My Lords, I shall not endeavour to prove a negative, but I shall simply state the course pursued by Her Majesty's Government. In entering the Principalities, Russia was either sincere or insincere in the pretences upon which she justified that act—she was either sincere in the assurances she gave to the Powers of Europe that the occupation of the Principalities would be only temporary, that they would be held as a material pledge for the satisfaction of the demands made upon Turkey, and that the evacuation of them was the wish and desire of the Emperor himself; or she was insincere and had ulterior objects in view, intending to overthrow the Ottoman empire. Now, I think, in the first case, I have assumed that it was evidently in the interest of peace, and, what is more, in the interest of the Sultan, to allow further opportunity for ascertaining the real issue, and for the discovery of some means of reconciling the difficulty, not distasteful to either party, and sufficient to carry into effect the intentions of both. The Emperor of Russia demanded that the *status quo* in religious matters should be enforced, and the Sultan declared that the *status quo* in religious matters was what he intended; so that all that seemed necessary was to devise a form sufficient to carry into effect the desires so expressed. It was found that Austria and Prussia entirely agreed with us as to the act of Russia in occupying the Principalities. They considered that act unnecessary, unjust, fatal as a precedent on the part of a powerful towards a weaker State, and dangerous to themselves as limital Powers, and menacing to the peace of Europe; they were most ready to enter with us into negotiations for settling the question, if possible, by amicable means, and they earnestly deprecated any declaration of war on the part of the Sultan until all peaceful means of settling his difference with Russia had been exhausted. Whatever my noble Friend may think of the matter, I am sure your Lordships generally will be of opinion that it was of the highest importance at that time that the Four Powers should be united in the question; that it was of the highest importance that Austria and Prussia should



join with England and France in isolating Russia in her wrong, and in letting her know that she would not be able to count on that support from Austria which, for more than one reason, she had been so ready to count upon. Her Majesty's Government never for a moment doubted that the occupation of the Principalities constituted a *casus belli*, or that it afforded the Sultan a clear right to declare war, to announce the treaty of 1841 at an end, and to summon the ships of his allies from Besika Bay to his support; but, though viewing it as a *casus belli*, yet considering also the declaration with which it was accompanied, we did not advise him to act upon this right, on the supposition that Russia might be sincere, and, that, consequently, a peaceful issue of the difference might still be effected. But let us take the other case, that Russia was not sincere, that she did intend to cross the Danube and to march on Constantinople; a declaration of war at that time would have furnished to Russia the very excuse for acting upon those intentions which she desired. It would have absolved him from his promise, and from the responsibility of commencing hostilities, and would have left him in a position to say—"I have occupied the Principalities only as I have occupied them before, declaring to you that it was only for a short time; that I did not desire or seek war, and that I was ready to take any practical course to effect a peaceful result. My assurances have been disbelieved, war has been declared against me, and I now consider it inconsistent with my honour and dignity not to accept the challenge." I don't say that such arguments would have borne the test of inquiry under the circumstances; but I do say that, under the circumstances, it was exceedingly undesirable that they should be put forward as a ground for greater activity of operations on the part of Russia, seeing that at this moment Turkey was wholly unprepared for hostilities. Her fortresses were ungarrisoned, she had no supplies or stores collected, her army was weak and undisciplined, she could not have delayed the Russian troops for a single day on their march upon Constantinople. These seemed to us cogent reasons for not advising the Sultan to declare war, when, by not declaring war, he gained the double advantage of leaving time for a peaceful settlement of the dispute, on the one hand, or, on the other, of preparing for effectual warfare, should

peace not be established. Before these opinions of Her Majesty's Government could be conveyed to Constantinople, we have since found that the Ambassadors there—who, being on the spot were far better judges than we were of the state of preparation in Turkey, and of what was best for the interest of the Sultan—had tendered to the Sultan the same advice which we had proffered, which advice His Highness had adopted, with the full purpose to act upon it. It would, my Lords, with such a hope of a peaceful solution, have been most unjustifiable and most impolitic to have urged the Sultan to declare war and to call for our fleets, at a moment when His Highness was, as I have explained, altogether unprepared with the means of prosecuting the war effectually. I trust, then, your Lordships will concur with us in thinking that we did well, under all the circumstances, in not advising the Sultan to declare war at that time, and to take those active measures which my noble Friend seems to consider necessary. I can assure my noble Friend that it was not upon that abject apprehension of war which he attributes to us that we acted, but upon motives which I feel satisfied any Government of this country, having so just and righteous a cause to rely upon, would have adopted, and I do not believe that any Government in such a war would be allowed to want the support of the people of England in carrying it out. England has on former occasions stood almost alone against the world in arms; nor do we conceive that, because since then she has become still richer, still more powerful, still more energetic than ever, she is therefore the less able, were it necessary, to occupy the proud position which she held heretofore. Much less have the Ministers of the British Crown reason to entertain abject apprehension of war now that England is in cordial union with her great neighbour, acting with her in perfect accord of spirit, of intention, and purpose to arrive at the same object by the same counsels and the same means. Your Lordships will not think it out of place or time if I here express my perfect and unequivocal testimony to the straightforward, manly, entirely honourable conduct of the French Government throughout the whole of these transactions. And, let me add, that honest policy of the French Government has been most faithfully represented here by the French Ambassador at our Court. The two Governments have been

in daily—I might almost say, in hourly—intercourse; have formed, as it were, one Cabinet; and I can assure your Lordships that there have never been more differences between these two Governments, so united, than are to be found in some Cabinets of our own—differences that must ever exist among men who most respect each other, and which have only the effect of rendering the harmony more complete. I will further add, that the union between the two Governments has not been confined to the Eastern question. The happy accord and good understanding between France and England have been extended beyond Eastern policy to the policy affecting all parts of the world, and I am heartily rejoiced to say that there is no portion of the two hemispheres with regard to which the policy of the two countries, however heretofore antagonistic, is not now in entire harmony. Thus, then, my Lords, at least one great good will have been secured by these transactions—that two great, and hitherto rival nations have learnt to know and to appreciate each other better, to reject the fallacy that they are each other's natural enemy, and to be ready to act heartily together in any just and righteous cause to which their common sympathies attract them.

There was another point on which the noble Marquess dwelt on which I will say a few words. I will not waste your Lordships' time by entering into details, until the papers are on your table; but I will advert shortly to the Vienna Note, upon which my noble Friend has spoken more particularly. When Prince Menchikoff left Constantinople, the Austrian Government wrote to its Internuncio at the Porte suggesting that a counter-note might perhaps be framed out of the note which Prince Menchikoff had addressed to the Porte, and that which Reshid Pasha had written in answer. The Austrian Government conceived that such a counter-note might be drawn up, acceptable to Russia, and yet saving the honour of Turkey, and intimated that if such a note were prepared it would use its best efforts to give it effect. At the same time the French Government had prepared a note on the same basis, which its Minister submitted to Her Majesty's Government. We did not think that it would be a note likely to be acceptable; but as the French Government had a manifest desire to send it, by way of peace-offering, both to St. Petersburg and Vienna, we offered no opposition to that course,

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and it was duly forwarded. The Russian Government gave no answer to the note, on the ground that the Austrian mediation already existed. At Vienna the note was adopted with some trifling changes; and, after communication with the Governments of England and France, was, as modified, sent to St. Petersburg and the Porte. At St. Petersburg it was said to be unsatisfactory, but the Emperor nevertheless professed himself ready to accept it, on the condition that no alteration was made in it; but the Porte objected to accept it, unless with some modifications. These modifications, as being considered only tending to render more clear the *bonâ fide* intentions of the framers of the note, were not objected to by the Conference at Vienna, and were transmitted thence to St. Petersburg, with the recommendation that the note so modified should be accepted. As your Lordships, however, are aware, the note was rejected. We did not, of course, think that the note originally exposed the Porte to the dangers supposed; but the changes made were made on that supposition, and were merely such as more clearly defined the first meaning and intention of the note. I beg to point out that a great misapprehension exists with respect to the part of the Four Powers in this matter. The Four Powers were merely parties voluntarily offering to mediate in the matter between the other two parties. They said—"Here is a difference about two notes; we will endeavour to frame a note that shall suit both parties;" but they were not arbitrators, they had no right to impose their note on the parties; they were ready to receive any objections, or to adopt any modifications from either party; and the best proof of this is, that they did unhesitatingly adopt the modifications pronounced requisite by the Porte; but Her Majesty's Government did not suppose the note to be of the dangerous character supposed by the Porte, until Russia explained the use to which it might be turned; and then Her Majesty's Government said no more on behalf of it. Hostilities, however, commenced between Russia and the Porte, and it then, of course, seemed impossible to hope to settle the matter by notes. Still, the Conference at Vienna, after having signed the Protocol—which I do not myself consider by any means so unimportant as my noble Friend thinks it—by a collective note asked the Porte on what terms it would be prepared

to negotiate. When, however, that collective note reached Constantinople, another basis of negotiation had been presented to the Porte by the representatives of the Four Powers, and these representatives, in the exercise of a sound discretion, did not, under those circumstances, present the collective note. The note to which I have referred was wholly approved by the representatives of the Four Powers at Vienna, who were unanimously of opinion that it was such as Russia ought to accept, and in their Protocol these representatives declared that, if Russia should not accept it, Russia alone would be the cause of war, and alone responsible for its consequences. That is the present state of the matter as regards negotiation. No answer has been received from St. Petersburg. I may be disposed to agree with my noble Friend that the note is not very likely to be adopted there; but, as yet, no answer at all has been received.

My Lords, the negotiations I have referred to were still pending when that fearful disaster at Sinope happened, by which the Turkish fleet (not employed, let me say, so far as I know, in the way stated by my noble Friend and in the Russian papers—in carrying troops to Batoun, and stores to the Circassians—but lying peacefully in the harbour, and, for some days previously, expected back at Constantinople) was destroyed in so horrible and barbarous a manner in the harbour of Sinope. Upon that occurrence, my Lords, Her Majesty's Government, in concurrence with the French Government, determined at once to extend that protection which had been three months before granted to the Ottoman territory to the Ottoman flag, and they gave notice of this intention to the Russian Government, and to the Russian admiral at Sebastopol. Such is the present state of our communications on this important question. I shall refrain on the present occasion from going into details, having confined myself to the endeavour to meet some of the charges which have been made against the Government by my noble Friend, leaving it to your Lordships and to the other House of Parliament to say, when the papers are before you, whether in our hands the honour and dignity of the country has been compromised. We may then even possibly be charged with having laboured too long, too far, and too hard in the cause of peace; but

such will not, I think, be the opinion of the majority of the House. On the contrary, I think that in the event of war we shall be able, with all the greater force, to appeal to those pacific efforts, when, if we must, we call for the hearty and energetic assistance of the people of this country in aid of a just and righteous cause.

THE EARL OF MALMESBURY: My Lords, your Lordships will easily imagine that I do not rise to oppose the Address which has been so ably and gracefully moved in this House by a new and young Member; but I think it desirable, as well, to notice parts of the Speech which Ministers have advised their Sovereign to make from the Throne, as also to make some observations on events which preceded this Speech, and on some of the statements made by my noble Friend who has just sat down. The first paragraph of the Speech goes at once to a most important and interesting subject, the state in which this country is placed in reference to Russia, and takes away from us any hope—if, indeed, any could have been felt—that this unfortunate affair could end in any peaceful manner. In the next paragraph it appears to me the Ministers who approved it have made two omissions which may be of great consequence. In the first place, I must say that it appears to me most remarkable that in this paragraph no mention should be made of two out of the three countries which are in alliance with us in this most important question. If I understand this paragraph, Austria and Prussia are in no way alluded to, and it can scarcely be considered complimentary to exclude their names, if they are, as we have just been told on the part of the Government, cordially co-operating with us in this matter. Another omission which I notice is the real purpose for which the Parliament are called upon for an increase of our armaments—namely, to support the independence of Turkey; whereas the only object assigned in the Speech is the support of Her Majesty's representations, and the view of more effectually contributing to the restoration of peace. Neither is it enough to speak now of endeavours to preserve and to restore peace, if you wish people to believe you in earnest in your defence and vindication of the rights of Turkey. As Her Majesty's Government have promised to lay the papers before the House, it would be unfair to anticipate

them; but I think that without their assistance I can discover some inaccuracies in the course of events which the noble Lord has described. But I shall not deal with these inaccuracies to-night, because there must be another and a searching debate upon this question within a very short time. But, my Lords, this I will say, that although I will not enter now upon details, because I am not armed with papers to enable me to speak with accuracy, I think I have a right to reproach Her Majesty's Government with their conduct towards this House, and to the Parliament generally, since the commencement of these disputes in the East. The last time I had the honour of addressing your Lordships upon this question was on the 12th of August, a week before the prorogation of Parliament. I had then to address a House of some twelve or fifteen of your Lordships only, and if I now repeat some of the statements—and they shall be few—which I made then, I must ask pardon of those who heard them, my excuse being that there were so few Peers present upon that occasion, while we have so full a House to-night; and that every day which has since elapsed, has given to the matter of those statements additional importance. My Lords, when I first addressed your Lordships upon this question, I moved for a return of all the papers relating to it. What was the answer which was given me on that occasion? The answer which I got from the noble Lord the Secretary of State for Foreign Affairs, was, that in a very few days, whatever course events might take, he would lay the papers on your Lordships' table. That was the first promise which I got from the noble Lord—if I remember rightly, on the 18th of July. On the 12th of August, as the papers had not been produced, I made another Motion on the subject, but I confined myself on that occasion to asking for a single paper—a paper which I considered exceedingly important, as affecting the views of the Emperor of Russia, and exhibiting the real *animus* of the British Government—the answer of Her Majesty's Government to Count Nesselrode's second manifesto. The French Government had answered that manifesto ably and firmly, and I thought there would be no impropriety, no imprudence, on the part of Her Majesty's Government, not only in laying their reply before Parliament, but in laying it before Parliament without loss of

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time, and previously to the other papers relating to the same subject. That reply could not be called a diplomatic paper, in the ordinary sense of the word, and it was not, strictly speaking, a correspondence; it was an answer to a defiance made in the face of Europe by the Minister of the Emperor of Russia—a defiance to England—a defiance which all who could read might read; and I considered it due to the honour and character of Her Majesty's Government that their reply should be equally firm, and that equal publicity should be given to it. But the noble Earl opposite, the Secretary of State for Foreign Affairs, refused to lay that paper on the table upon the plea that its production might endanger the solution of the question; and in deference to the noble Lord's statement, and upon the understanding that it would be dangerous, I yielded to that plea, and withdrew my Motion. Now, what happened? Within a fortnight after this occurrence, the very paper I moved for appeared at full length in the *Times* newspaper, introduced by the language and preamble which, by all who know that newspaper, were perfectly understood as indicating that it was a sort of official announcement. The paper was stated to be a correct version of the noble Earl's reply to Count Nesselrode's manifesto—an incorrect version having been given in some other journal. My Lords, I say that this was not respectful to Parliament—it was not respectful to the country; and I should almost like to ask—so much I am astonished that the noble Earl should refuse to produce that paper to the House—I should almost like to ask why it was sent to the *Times*. I should not have thought such a thing possible; but rumours have been rife that not very long ago, when an important Member of the Cabinet resigned his office, the first intimation that Her Majesty had of it—and if not Her Majesty, certainly some of his Colleagues—was through the columns of the *Times* newspaper, to which, of course, it most have been communicated by some very important Colleagues of the noble Viscount in the Government. I do not say that these rumours are true, but I do say that if this system is to be acted upon—if newspapers, or a favoured newspaper, is to receive official documents of so important a character that the Foreign Secretary declares it would be dangerous to lay them on your Lordships' table, and is to receive



these documents before Parliament, and instead of Parliament, then I can only say that we really have four estates of the realm; and that of those four the Queen is not the first, and your Lordships are not the second. But, my Lords, I think that in another point of view, Her Majesty's Government have erred in keeping the country and the Parliament ignorant of the course which the negotiations were taking. I can perfectly understand that there may be occasions when it may be very inconvenient to be constantly placing papers of this kind before the House and before Parliament; but I believe that upon this occasion the Government would have gained by taking a more open course, and that if they had been more candid in their explanations they would have elicited from Parliament a manifestation of that feeling which the country of its own accord has since displayed, and that the people, with their natural sagacity, seeing what the objects of Russia were in this dispute, would have shown what their feelings were upon the subject, and that such a display would have assisted and armed the Government, and would have prevented the Emperor of Russia from being deceived into the belief that this country, during forty years of peace and prosperity, had degenerated into a state of indifference in regard both to its treaties with its allies, and to its own honour and character, and would be glad to purchase peace at any price. But, my Lords, I must say, following up this subject, that the Czar was deceived, and that if he had not been, he never would have taken the dangerous steps which he has adopted. I think he was deceived from the beginning by certain circumstances which took place before Prince Menchikoff was sent to Constantinople. It will be in the recollection of your Lordships that almost during the whole time that my noble Friend behind me (the Earl of Derby) held office as Prime Minister of this country, the newspapers which represented, or were supposed to represent, not only what he might call the legitimate Opposition—the Whig Opposition—but of that smaller section of politicians who have since formed a coalition with the present Government—the press of both these parties were unremitting in their blame of Her Majesty's then Ministers, in regard to the anxiety which they showed to confirm our alliance, not only with France and with the French

people, but with the new dynasty which had been recently established in that country. I was constantly taunted with being ready to sacrifice the interests of my country, for the sake of an alliance with the French Emperor. The accident of a personal acquaintance with him some years previously was deemed sufficient foundation for a charge against me of a personal predilection in his favour, and that I wished to see him, rather than any other man, on the throne of France. I was little moved by these attacks at the time, because I felt that no alliance could be of such vital consequence to this country and to the general peace of Europe as an alliance with France, our nearest neighbour, and with a man, who, I had reason to believe, was determined to maintain peace with all other nations, and to preserve the territorial distribution of Europe as arranged by the treaties of 1814. Our policy has been amply vindicated since that time, for the very newspapers which attacked us now go to the length of saying that no other alliance is of the same importance. But, my Lords, the language of the press to which I have alluded, made a very strong and lasting impression on the Courts of Europe with respect to our alliance with France. The eyes of every Court of Europe were at that time intently fixed upon the new French Emperor, and upon the bearing of this country towards him; and they judged from the language of the mouthpiece—not the real but the apparent mouthpiece—of noble Lords opposite, that if our party should go out of office, and the Opposition should come in, a different line of policy would be pursued. The Opposition did come into office very soon afterwards, and is it possible to believe that the Emperor of Russia would not consider that the same anxiety did not exist in the new Cabinet to form an alliance, not only with France, but with the new dynasty of France, which had existed on the part of the preceding Government? The eyes of Russia, as well as of other Powers, were fixed upon the conduct of the new Government, and what was the first thing that happened? Within a month after the new Government accepted office, two of its Members addressed their constituents in two different boroughs of England, in a manner which both in expression and in spirit was deeply offensive to the French people and the French Emperor. Those speeches were afterwards explained. How

they were explained I do not know; but we were told by my noble Friend, when he addressed your Lordships last August, that the Emperor of the French had good sense and good feeling enough to understand the motives of those speeches, and not to be offended at them. I perfectly believe that the Emperor of the French has this advantage over other Sovereigns, that, through a life of vicissitudes, he has mixed with society of all grades and classes, and having lived a long time in this country, he knows us well; he knows our peculiarities—I will not say our eccentricities—and he knows that speeches of this kind are to be interpreted according to the hour of the day at which they are made, and the place where they are delivered. They were, therefore, excused by him, and it is not with respect to him that I mention them; but it is certain, and I know it for a fact, that having been uttered so soon after the accession of a Ministry upon which the eyes of all the European Governments were fixed, they made a strong impression upon those Governments that some of Her Majesty's Ministers at least were in their inmost minds averse, if not hostile, to any alliance with the new dynasty of France. Now, my Lords, I believe the Emperor of Russia was deceived by these two events happening.

However my noble Friend the Secretary for Foreign Affairs may say that he had no suspicion of the views of the Russian Emperor until last April, one at least of Her Majesty's servants, employed at Constantinople, did not stand in the same position. He did suspect those views, and I believe it was more than suspicion that induced Colonel Rose, our *Chargé d'Affaires* at Constantinople, to send a message to the English fleet to approach the shores of the East, without mentioning any particular spot to which he wished it to repair, but stating it to be of great importance that the fleet should approach the Turkish coast. I happened to be at Paris on the 19th March, and I know that the French Government was most anxious that Colonel Rose's request should be complied with, and were convinced that the safest and best course would be to send the French fleet to the East. My Lords, at this moment the best possible opportunity was presented to us of undeceiving the Emperor of Russia, and of disabusing his mind of any doubt as to the sincerity of our alliance with France. We had the best op-

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portunity that we could wish for, of convincing him that the two countries were united hand in hand, and upon the Eastern question prepared to act cordially together. But what did Her Majesty's Government do? They showed the Emperor of Russia that there was a difference in their councils. The French Government met the request of Colonel Rose by sending the French fleet further eastward than it was before—the British Government ordered the British fleet to remain immovable at Malta. Do you think that did not confirm in the mind of the Czar his previous impression that your alliance with France was not hearty? I believe that it did make a great impression, and that all the negotiations afterwards suffered from the impression that there was a difference of opinion between the two Governments. Instead of going arm in arm with the French Government, and showing the closest identity of thought and action, Her Majesty's Government allowed this difference to be continued perceptible as the negotiations proceeded, and our Government still failed to show that there was that perfect identity between it and the French Government which was on all accounts so essential. The first manifesto of Count Nesselrode was equally in defiance—a public defiance—to both countries; but while the French Government answered it ably, firmly, and boldly, the British Government did not answer it at all. Then came the second manifesto, which was also ably answered by M. Drouyn de Lhuys, on the part of the French Government, but by the English Government not at all. I say not at all, because an answer to a defiance of that sort sent privately—a mere whisper from the Foreign Office to a loud defiance from the Throne of Russia—was no answer whatever. It was not the Emperor of Russia that it was important to answer; but it was important that a reply should be given to his document in the face of Europe, which should show the *animus* and intentions of Her Majesty's Government. I repeat that I shall not enter into details to-night, unarmed as I am, but I perfectly agree with the noble Marquess (the Marquess of Clanricarde) that more vigour and energy in time might have saved us from the impending war. God forbid that I, or any man on this side of the House, should not be ready to praise Her Majesty's Government for doing all in their power to avert war! It is not for endeavouring to avert war

that I blame them, but for not taking the best means of averting it, for exhibiting vacillation in their conduct, for not having taken the ball at the bound, for not having seized the proper moment, when they might have made Russia understand that England and France were determined to resist all aggression; that they considered it of vital importance that the integrity of Turkey should be preserved, and the territorial distribution of Europe maintained; and that any aggression upon it, such as the invasion of the principalities of Moldavia and Wallachia, would be met, not by Turkey alone, but by the two most powerful of the western nations. If that had been put, not insolently, but frankly, calmly, and firmly—if it had been impressed upon the Emperor's mind, and if his mind had been divested of those delusions with which his Ambassador had filled it—then I think he would have thought twice before he would have crossed the Pruth; and, armed as he is with able counsellors, men known to be averse to his ambitious projects, he would at least have waited for another occasion to put them in force, if he had not abandoned them altogether. I say, my Lords, that if Her Majesty's Government had been more open with the country—if, having the means of proving to the Emperor of Russia how powerful and determined they were, they had appealed sooner to Parliament—they would have met with a response which would have materially strengthened their hands. There is not a person in this House who can doubt what the feeling of the country is upon the subject. That it exists, in the strongest manner, in the lower classes, was evinced this very day, at the time that the Turkish Ambassador was on his way to this House to attend the opening of Parliament. And, my Lords, well worthy are these people of all sympathy and respect. Nothing can be more futile than the arguments adduced, to show that the Turkish Empire is in a state of caducity. It is a country still maintaining its independence, its domestic policy, and is surpassed by none in a liberality and toleration of religion. And, my Lords, is there any other country which in a moment of danger would have done more than the subjects of the Sultan have done, or as much? The whole population, from the highest to the lowest, have come forward with such contributions as they could make. They have come forward in this emergency to make sacrifices of their private fortunes, such as

have no parallel in any country except in those made by the Russians at Moscow in the year 1820; and with respect to the bravery and courage they have shown in resisting a Power supposed to be irresistible, have they not in six months broken down much of the prestige of the Russian army? Is it possible for any nation to have made a more vigorous or successful resistance than they have done on the banks of the Danube, in a most unfavourable season? and when I mention the barbarous massacre of Sinope, and revert to the circumstances connected with it, I feel fully justified in saying that nothing that I have ever read—nothing in ancient history—whether at Thermopylæ or Marathon—nothing in modern history—not even the sacrifices which our own country above all others has made, can surpass the bravery and devotion evinced by that people upon that occasion. In a letter I have lately read from an eyewitness of the action, it is stated that a Turkish frigate fired a broadside at the enemy when the muzzles of her guns were within two inches of the water, from her being in a sinking state. No wonder that such conduct has met with the sympathy which courage and patriotism ever received in England. And I am sure that if Her Majesty's Government had taken the course which I have ventured to point out, they would have armed, instead of weakening themselves—they would have weakened instead of strengthening the Czar, and would have proved to him, that even if he went on, he would have opposed to him, not Turkey alone, but a country the most powerful in the world, and an ally of that country, almost equally powerful. I will not, however, enter further into this subject, for your Lordships will doubtless have an early opportunity of perusing the papers which will be laid before Parliament, and you will then be better prepared than you can be at present to discuss the question.

My Lords, I will now proceed to make one or two observations on some of the paragraphs in the Speech from the Throne. My Lords, Her Majesty's Government have announced in the Speech from the Throne their intention to introduce a Bill for the reform of the representation of the Commons in Parliament during the present Session. I can give no opinion as to the necessity of such a Bill, and, of course, I can give no opinion as to what it is to be; but I cannot help saying that of all the seasons that I ever saw chosen by a Go-



vernment for proposing a measure so likely to cause irritation and division among the people, I never, in my life, saw such a time selected as the present. At the very moment when war is at hand, and Her Majesty's Ministers have come down to Parliament, and have asked us to lay aside all party feeling—and sure I am that party feeling will always give way to the natural love which we have for the character of the country and the honour of the Crown—at the very moment that they make this request, when it might have been expected they would have furnished as few motives as possible to opposition—when it is of the greatest moment that the utmost unanimity should exist, not only in Parliament, but among the whole population—they propose to introduce a measure which, be it as perfect as it may, is sure to excite opposition, and jealousy, and division among different classes of people in this country to a very great extent. They propose to introduce such a measure as a rider to a war. I firmly believe that the prudence of such a course will be doubted even by many persons who are most anxious for reform.

My Lords, another important question which the Government promises to bring forward is the relaxation of the law of settlement. I have often trespassed on your Lordships' attention in reference to that subject, and I am bound to own that my opinions with regard to it have been very much modified since I went into it myself. There was a time when I thought that the abolition of the law of settlement would be a great improvement. I am not so certain of that now; and I have been not a little astonished at the facts which have lately come to my knowledge with reference to the population of those parishes upon which that law was supposed to have an injurious effect.

With reference to another subject alluded to in the Speech from the Throne, when Her Majesty's Government talk of opening the coasting trade of the United Kingdom to the ships of all foreign nations, I would ask whether they have had any promise from any other country that they will adopt the same principle? I may observe, my Lords, that there is a treaty of very great consequence pending between the United States and ourselves, and important benefits will be secured to this country if that treaty should be concluded. One of the main difficulties in its way was the American Government insist-

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ing that the whole of the trade, from the east coast of the United States to California, around Cape Horn, should be treated as a coasting trade. When I was in office I could not move them from that, and a stop was put to further negotiation by a declaration that their constitutional law prevented their treating one State differently from another, and that California being a State of the Union, the trade from New York to California must stand upon the same footing as the trade from New York to Boston. I must say, in passing, that we are only at the beginning of the new order of things. The master of a British ship is now allowed to take any crew he pleases. It may be composed of chimney-sweepers if he thinks proper, and they not only need not be Englishmen, but may belong to any country in the world. I think we ought to be cautious in legislating upon such matters, after the severe lesson we have had in the loss of the *Tayleur*—a loss attributable to the fact that she was manned by a set of foreigners who could neither understand the captain nor each other, and who did not even understand the ordinary duties of seamanship. A recurrence of such losses will make it necessary for the law to interfere, and to protect the lives of Her Majesty's subjects on the sea, as they do those of travellers by railway, by compelling each British ship to have a certain number of able British seamen among their crews. I will add no more, my Lords, except in the words of Her Majesty's Speech, to "pray that God may prosper your Lordships' counsels and guide your decisions."

EARL GREY: I certainly do not intend to enter, even so far as the noble Lord who has just sat down, into a discussion of those important proceedings which have ended in floating this country apparently up to the brink of a war. As my noble Friend the Secretary of State for Foreign Affairs has very fairly availed himself of his privilege to defer his vindication of the Government upon the highly important points which have been adverted to by the noble Marquess (the Marquess of Clanricarde), until the papers are before the House, I do not think it desirable to attempt now to enter on that discussion. I am anxious, as far as it is possible to do so, even to suspend my opinion upon these transactions until I shall be in possession of the information which will be afforded by the papers to be furnished to the House; but in the meantime I must say this much—

that I think the course of proceeding by Her Majesty's Government stands greatly in need of explanation and vindication. As far as I am yet informed, I am not satisfied, in the first place, that we ought to have interfered at all. I concur, however, with my noble Friend the Secretary of State for Foreign Affairs in the opinion that the flames of a European war once lighted, no man can tell how far the conflagration may extend—no man can foresee the extent of misery which may follow from it. I agree also with my noble Friend as to the infinite dangers to our interests which even a short war would involve: all those measures of improvement which in this country and in others have made such wonderful progress within the last forty years, if not absolutely arrested, will at least be materially retarded, when men's energies and thoughts are occupied in devising their mutual destruction, and when the country will be called upon to make the greatest sacrifices. Looking also to the misery inflicted on so many families by the loss of friends and relations, I view with horror and apprehension the breaking out of war; and I say, regarding war as so dreadful a calamity, knowing also what is the character of the Turkish Government, and knowing to what a condition, after four centuries of Turkish government, the fairest regions of the earth have been reduced—knowing that to this day the Christian subjects of the Porte are labouring under oppression as severe, in some respects more severe, than those of the negro population in our own colonies before slavery was abolished—because your Lordships may remember that during the controversy for the abolition of slavery, one of the points most earnestly pressed on the Legislature of the West India Colonies, was to admit the testimony of slaves against their masters as the only possible means of securing them any protection of life and limb; and, if I am not mistaken, to this hour my noble Friend the Secretary of State for Foreign Affairs has not been able to obtain from the Porte similar protection for Christian subjects in Turkey; and to this hour a Christian subject of the Porte may see, perhaps, his wife and family killed before his eyes, and yet have his evidence rejected in the Turkish courts of justice when he comes to complain of the wrongs he has suffered—when I know these things, and when I remember what is the calamity of war, it will take much to convince me that it is

necessary, or that any interest we may have in supporting Turkey against what I am ready to admit are unjustifiable demands on the part of Russia, can for a moment be compared with the superior interest in the maintenance of European peace. It will also take much to convince me, if we are to support Turkey at all, that we should not have had a better chance of averting war, if we had given that support with more promptitude than we have done. It will take much to convince me on these points. I shall be glad and anxious to be convinced, if grounds can be shown for altering the opinion which, on the first blush, I cannot refuse to entertain. But I will not discuss these questions. I think it far better that for the present they should be postponed. I presume the time will come when we must thoroughly and seriously consider them.

My present object in rising was to offer a few observations of a different character. If, my Lords, we are indeed on the eve of war—as I fear we have too much grounds for apprehending—I trust that war will be carried on with vigour and with energy. Whether it was right to support Turkey or not—whether our past course has been judicious or not—still, if we have committed the honour of the country, and it is now necessary to make war, let us all join heart and hand in carrying on that war to the utmost of our power. I hope, therefore, if a war is indeed impending, that no considerations of false and ill-timed economy—that no other considerations of any kind—will cause any hesitation on the part of Her Majesty's Government in coming forward, and calling on the country for those efforts which it ought to make, and for those sacrifices which I believe must be imposed upon it. I am convinced those sacrifices will in the end be the least, that the calamity of war will be less likely to extend, if, whilst a state of war exists, it be carried on with the utmost possible energy. I hope there will be no shrinking from striking the heaviest blows we are capable of inflicting on Russia in every quarter where she is found most vulnerable. I hope Her Majesty's Government have already considered and determined on the measures they are to adopt. I hope especially they have already considered and are prepared to deal with those defects which I fear it is almost impossible a long peace should not have introduced into our naval and military services. There is one point which seems to me of paramount impor-

tance. I do trust that some regulation will be adopted—it is not for me to say what—but I trust that some regulation may be adopted by which the honour of the British arms, and the interests, and perhaps safety, of the country will be confided to officers in command who are still in the vigour of their age. I have every reason to think this a point of extreme importance. Your Lordships are, no doubt, aware that under the present regulations of the British service, which differs in this respect from every other service in Europe, there are no means whatever of bringing forward officers of the rank of general or flag officers by selection. In the junior ranks of the service the Admiralty and the Commander-in-Chief have the opportunity of bringing forward officers who have distinguished themselves; but when in the Navy the officer so distinguishing himself becomes post captain, or when in the Army he becomes full colonel, from that moment, according to the present practice of our service, there are no means of advancing him to the rank of major-general or flag officer. What is the consequence? The consequence is this, that in a long peace, and with the slow promotion which necessarily follows a long peace, the very youngest general officer in our service—those who are most fortunate in rising rapidly through the inferior grades of the profession—can hardly expect to obtain the rank of general officer under fifty—I doubt if at this moment there is a single general officer so young; and the great majority of our general officers do not attain that rank until a far later period of life. I can take upon myself to say that when I had the honour of holding the office of Secretary of State, I felt most deeply the inconvenience of this state of things. There was a strong professional objection invariably urged against employing officers in command before they had attained the rank of general officer; and the equally strong objections against any departure from the strict rule of seniority, rendered the field of selection so small, that I felt, during the whole time I had the honour of holding the seals of the Colonial Department, it was at times impossible adequately to fill up the command of troops on our distant stations. Of course, on matters of this kind, it would be invidious to cite instances; but I will ask any person conversant with the case to look through the list of officers in command, and then look to the *Army List*, and see how long they have been out

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of employment before appointed to command. Some have been out of actual service for periods of ten, twenty, I am not sure I may not say even of thirty years; and looking at that fact, I say there is a case for the remarks which I now make. Allow me to remind your Lordships of the opinion of a great authority on this subject. It is now many years since I read the book, but among the recorded conversations of Napoleon at St. Helena is one in which a very remarkable opinion is given by that great soldier on this question. He was talking about the qualifications of a person to command an army, and after mentioning different intellectual qualifications, he said, “But I think vigour of body is hardly less necessary than vigour of mind.” He instanced himself, and pointed out how, in his earlier years, in those campaigns in which he acquired his great fame and his position in France, it was his custom to pass sixteen consecutive hours on horseback, to ride great distances, to undergo great fatigue, and how, in his later campaigns, being physically incapable of going through such exertions, he was obliged to go about in carriages; and he added this remarkable expression, “I was obliged to see with other men’s eyes instead of my own, and the difference was very great.” The Emperor wound up by saying that few men at the age he had attained at the close of his military career were fit for the practical and arduous duties of war. But Napoleon at the close of his military career was only forty-five years of age. His illustrious victor, who also closed his military career in the immortal battle of Waterloo, was, I believe, precisely the same age. Both these distinguished men had acquired their renown, and finished their career as soldiers in active service, at forty-five—that is to say, when five years younger than the youngest general officer we can have under the present regulations. Is that a fit state of things to exist in war? In peace it will be only a great inconvenience, but in war the very safety of the country is at stake; and I do trust in some way or other professional etiquette and professional jealousy will be overruled, and Her Majesty’s Government take care that the command of the armies of England is entrusted to men possessing qualities from which they may reasonably expect that they will adequately maintain the honour of the Crown, and that in some way or other the principle of selection will

be introduced. Allow me to remind your Lordships that Lord Chatham did this. He set aside, without any scruple or hesitation, all military etiquette, and all these considerations of seniority. Wolfe was a lieutenant of only seven years' standing when he was made colonel over the heads of several of his seniors, and three months after brigadier-general, and he held only locally the rank of major-general when he fell at the moment of victory at the head of the army which conquered Canada. During the late war the evil was not felt as much as it was now. Doubtless, great advantage had resulted from the regulations introduced by the late Duke of York, which required officers to serve a certain time in different grades before they obtained promotion; but, still, under the old system, however great the abuses connected with it, officers had a chance of rising more rapidly in their profession, and becoming lieutenant-colonels and colonels at an earlier age. If I mistake not, the late Lord William Bentinck had the command of a cavalry regiment when he was only nineteen years of age. The revolutionary war was carried on with reckless profusion, and the consequence was that extensive brevets were made, and twenty or thirty officers were sometimes promoted in order to secure the services of a single good one. In these times ~~there is~~ <sup>there has been</sup> the same resources, and ~~that~~ <sup>we are</sup> without a departure from the general ~~not~~ <sup>and</sup> command the services of such officers as the exigencies of the public service require. I trust this subject has already occupied the attention of Her Majesty's Government. More depends on it than is generally supposed; and I am glad to perceive that Her Majesty's Government have been taking a step in the right direction—that at all events, Colonel Eyre, who distinguished himself in the Kafir war, has been appointed one of Her Majesty's aides-de-camp, and is raised to the rank of full colonel. I trust Her Majesty's Government will go further, and give the rank not only of full colonel, but of general officer, not only to him, but to all such men who, like him, are in the full vigour of age, in the full practice of their profession, and who have shown that they possess military talents of a high order.

There is another thing which, if we are really on the eve of war, I think hardly less deserving of earnest consideration—I mean—the [redacted] subversive organisation of [redacted] connected with the ad-

ministration of the Army. Your Lordships are aware that more than twenty years ago this subject occupied the attention of the Government of that day. My noble Friend, who is not now present, the Duke of Richmond, as a Member of that Administration, was Chairman of a Commission appointed to inquire into the constitution of the military departments. He and those who acted with him left office before that inquiry was brought to a conclusion. It was resumed under Lord Melbourne's Administration, in which I had the honour of holding the office of Secretary of War. And as Secretary of War I was placed in the Chair of that Commission, which was entirely composed of Members of that Administration. That Commission, after a full and patient inquiry, agreed to a Report, pointing out very strongly the evils which arose from the present state of things. That Report, however, has not to this day been acted on. Here, again, professional jealousy and the strong objections of the military profession, together with the greater urgency of other improvements, while there was no prospect of an interruption of peace, had prevented successive Governments from taking the necessary measures for the removal of these acknowledged defects. But I can say, from my own experience, having for many years held the office of Secretary of War and Secretary of State for the War Department, that the urgency of some reform in the constitution of those departments is much greater than is generally supposed. If this were the proper time for it, I could lay before your Lordships cases of mismanagement and of evils which have existed for the last fifty years, directly traceable to this vicious organisation of these departments; and I could adduce facts proving those evils, which, I think, would astonish your Lordships and the country. I hope, therefore, this most important subject has already occupied the attention of Her Majesty's Government, and that they will be prepared either to propose to Parliament or to adopt by the authority of the Crown, and communicate to Parliament—for much may, I believe, be done by the authority of the Crown—that in one way or the other they will lose no time in introducing an amended organisation of these departments. If they do not, I venture to predict from the want of unity in the management of departments closely connected with each other; and the dilatory and cumbrous arrange-



ments for the transaction of business, that before we have been many months engaged in serious war, it will assuredly lead to some calamitous results. Having mentioned two subjects of great importance, which I think require immediate attention, I cannot help adding that I hope and trust that until all that is necessary to provide for the safety of the country, and to make all those arrangements for carrying on war effectually—if war there must be, and on which Parliament must be consulted, I trust until these matters of extreme urgency have been settled and disposed of, Her Majesty's Government will defer bringing forward that measure of Parliamentary reform which they have promised. I ask, would it be convenient that the consideration by Parliament of financial and other arrangements, which will be absolutely necessary immediately if war break out, should be interrupted by long discussions on a Reform Bill? And, on the other hand, would it not be equally inconvenient, nay, perhaps, even more so, that a Reform Bill, which excites so many passions and provokes so much difference of opinion, both within and without the walls of Parliament, that a measure of this description should be laid on the table of the House of Commons, and allowed to remain there without being pushed on, as I think it ought, with all possible despatch? A Reform Bill is a measure which should be proceeded with without any unnecessary delay, and nothing but harm can result from allowing it to lie idly on the table of the House. Will it not be highly inconvenient to have the provisions of such a measure discussed out of doors, and all sorts of objections raised, while Parliament is discussing new taxes, new arrangements with regard to the Army and Navy, and various proposals which war necessarily raises? I cannot help agreeing to some extent with what fell from the noble Earl opposite, that an absence of party violence is exceedingly desirable when you want all parties to join as far as possible in promoting the success of the country in the contest in which she will be engaged. I do think, at such a moment as that, it will be peculiarly inconvenient to launch a question which necessarily gives rise to great difference of opinion, and upon which it is known many persons entertain very strong opinions indeed against any alteration whatever. Undoubtedly there are many faults and scandals connected with the present system which it is desirable to re-

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move, but I would, therefore, urge upon Her Majesty's Government not to postpone for the whole Session, but to postpone until all those matters of emergency affecting the present condition of foreign politics have been settled, that great and agitating question of Parliamentary Reform; and I have less hesitation in doing so, because while I quite concur that some improvement in the present system is desirable, still I must say the necessity for reform now is totally different in character from that which existed in 1830. In the year 1830 reform was necessary far less because of the great anomalies in the state of the representation—far less because Old Sarum and Gatton were represented, and Manchester and Birmingham were unrepresented, than because, looking back to the history of the country for the last 100 years, it was impossible to doubt that the state of the representation injuriously affected the character of our legislation and government. I think no impartial man, looking back carefully to the proceedings of the preceding century, can doubt that too often, both in measures of legislation and measures of executive government, the influence of Parliament was biassed and controlled, to the detriment of the general interest, and for the selfish and corrupt advantage of a few persons who exercised predominate influence in the selection of Members of the House of Commons. I think innumerable evils had arisen from the former state of things, and that it is clear that the House of Commons, as it then existed, was not sufficiently under the control of public opinion. But if we look back to the last twenty years, can any man say the same thing? Is it or is it not true that for the last twenty years the whole spirit of legislation in the House of Commons has been completely under the control of public opinion? When I speak of public opinion I mean the real deliberate opinion of the educated and enlightened classes of the community. I say, my Lords, our legislation, and the measures of the Executive Government since the passing of the Reform Act, under the influence of the Reformed House of Commons, have been in complete deference to public opinion—perhaps, I may say, in too great deference, in some cases, to hasty and ill-formed opinions. No one can say public opinion has been set at naught. It has, perhaps, too much prevailed. In the period to which I revert, no doubt Parliament has come to many erroneous deci-



sions; but I say the worst mistakes which Parliament has made have been made by merely reflecting the prevailing opinions of the day. It is upon these grounds I would earnestly urge on Her Majesty's Government to defer bringing forward that project of reform, which I cannot believe is of equal urgency with other matters which should claim our attention. I trust that the opinions I have now expressed will be shared by many both in this and the other House of Parliament, and that Her Majesty's Government will be induced, instead of raising agitation on the question of Parliamentary reform at the present moment, to apply themselves urgently and promptly to the consideration of those measures requisite to place the country in an efficient state of defence.

LORD BERNERS said, in allusion to the paragraph in Her Majesty's Speech referring to the Law of Settlement, he begged to express his opinion that no greater boon could be conferred on the labouring classes than the abolition of the present law.

THE EARL OF DERBY: Exhausted as your Lordships must be with the length of this important debate, yet at a time when this country is in a more formidable and awful crisis than at any period of my Parliamentary experience that I can remember, and at a moment when it is doubtful whether we are not actually engaged in war, I cannot reconcile it with my duty, when subjects of such importance are being discussed, to remain altogether silent, although, on account of the considerations presented to us by the noble Lord the Secretary of State, I think it desirable to postpone any detailed examination or discussion of foreign affairs until we have had an opportunity of considering those papers which the Government have at length determined on laying before Parliament. Before I proceed to deal, as I shall very slightly, with the more prominent features, there are one or two topics of minor importance in the Queen's Speech—minor, indeed, as compared with those momentous questions to which I would refer; although, as it is the avowed intention of Her Majesty's Government to submit propositions on them, there will be future opportunities of discussion. I shall not, therefore, attempt to call your attention to that most intricate and difficult question which my noble Friend behind me has made the peculiar object of panegyric. I can only express a hope

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that Her Majesty's Government will find the solution of those difficulties which surround the existing law of settlement more easy than their predecessors have done. I fear it will be found in this as in other cases, that it is more easy to ascertain and expose the evils of an existing state of things, than to substitute for it a different state of things, which shall not be liable to opposite, perhaps, but at the same time to equal, and possibly greater, objections. I will not enter, except for a single moment, on the important point touched on in Her Majesty's Speech; and the situation which I have the honour to hold must be my excuse for the few words with which I shall trouble your Lordships. I think, except the noble Earl the mover of the Address—who adverted to almost all the topics of the Speech with a facility, with a grace, and at the same time with a modesty which promised to make him at no distant time an ornament of this House, and one of whom the University of which he spoke will have reason to be proud—no person has touched at all upon the intended alterations and reforms of the Universities. I cannot, however, entirely concur in the praise which the noble Earl bestowed on all the recommendations of the Government with respect to the Universities of Cambridge and Oxford, while I doubt very much whether the advantage anticipated from the extension of studies at the Universities would not materially impair the completeness of those in which the students are now engaged. I think, at the same time, that there is room for considerable improvement in the discipline and management of these Universities, and also of the studies to which, until of late years, they have been too exclusively devoted. But this is not an opinion which I entertain alone. It is supported by the strong opinion of both the Universities. In both one and the other there is a well-considered determination, gradually and systematically to adapt the course of studies and discipline more and more to the requirements of modern times. But what I am anxious to press on Parliament, and on Her Majesty's Government more especially, is, that if you desire those reforms and those alterations to be introduced in the manner most likely to be well considered and ultimately beneficial, those alterations must be made with caution and prudence by the authorities of the Universities and Colleges themselves, and not by the intervention of a Commission,

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well meant, no doubt, but not likely to be judiciously conducted, either by the House of Commons or by this House. I cannot allow the first occasion of this topic being mentioned to pass without expressing my anxious hope that, as far as possible, the measure to be introduced by Her Majesty's Government will be a measure prohibiting, and, if they will, rendering absolutely illegal, those partly obsolete and partly mischievous oaths and qualifications which bind some of the authorities not only not to ask for, but not to consent to, any alteration of the statutes, let them be as obsolete as they may; and, having set free the hands of the Universities and Colleges, enabling them with such restrictions as they, from time to time, may deem discreet, or Parliament think fit to impose, to make such alterations in the statutes and in the system as they may feel, from time to time, to be desirable; and I am perfectly convinced that public expectation will not be disappointed by the course which the Universities will pursue. I trust that in the Bill which Her Majesty's Government may see fit to introduce, while they are desirous of removing the objectionable provisions regarding the Universities, and of opening the various honours, scholarships, fellowships, and the like, as far as possible, to general competition, and make them the prize and reward of merit, they will at the same time bear in mind that these are institutions with which they are not absolutely free to deal—that they are subject to obligations—that they are in no sense the property of the public—that they are not absolutely the property of the Universities—that they have been accepted by the Universities themselves, subject to conditions which, if there were a *carte blanche*, it might be desirable to remove; but that having accepted their funds under a particular trust, I am quite sure that your Lordships, and I hope that the other House of Parliament, will be very cautious how far you sanction, for the attainment of an apparent temporary, or even for a permanent advantage, any interference with foundations which are held by the Universities upon certain terms, and which can only be dealt with by the Universities upon certain conditions. Parliament should be cautious, even when intending to effect a certain good, in dealing with trusts to which nothing immoral or illegal attaches.

And now I must express my surprise at  
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an omission in the Speech delivered from the Throne. Important as it may be to improve and extend the system of education in the Universities, yet that is not the only description of education, nor is it the most important subject connected with education, with which Her Majesty's Government have to deal. At the time of the formation of the present Government, it was distinctly announced, amongst their various claims to public confidence, and prominently put forward, that they would introduce and carry measures for extending and improving the general education of the people; and a measure of that kind was brought forward by Lord John Russell in the House of Commons last year. Now, I should have been glad to know from Her Majesty's Government—and the importance of the subject will, perhaps, be a sufficient apology and warrant for asking the question—whether it is their intention to proceed with that measure, or to substitute for it any other similar measure in the course of the present Session, which will have the effect of dealing with that unhappy but most extensive mass of ignorance and its consequent vice, by which it is the lamentable and notorious fact that a great portion of the population, more especially those of our great towns, are more or less at this moment contaminated.

In the course of the Speech, Her Majesty tells your Lordships that She continues to act in cordial co-operation with the Emperor of the French; but as I have mentioned the word “omissions,” I may say that, however important are the relations by which we are engaged to Europe, this is the first time that, in the Speech from the Throne, I have noticed the omission of all reference to our relations, our negotiations, or engagements with any foreign Power in the western hemisphere. In the Message delivered to Congress by the President of the United States of America, there were certain questions—and not of minor importance—stated at that time to be pending in negotiation between Her Majesty's Government and the Government of the United States, and I believe that these were measures affecting the rights of Her Majesty's Government in South America, and negotiations, also, affecting the right of Her Majesty's subjects and the subjects of the United States with regard to the fisheries of North America, besides other matters of considerable importance which had been in negotiation

for some time, and which I should have thought, if it were only out of courtesy to the United States, Her Majesty's Government would not have passed over in absolute silence. One omission, in particular, strikes me as somewhat singular. When the noble Earl (the Earl of Aberdeen) made his first statement to your Lordships more than a year ago, in answer to a question as to what were the principles on which his Government would be conducted, he said that he considered it his special mission to extend the principles of free trade and enlarge the commerce of the country. Now, in the course of last year I know of one important step that has been taken by the Government for extending, under the most perfectly free system, the advantages of the commerce of this country. That important step has, moreover, been confirmed by a treaty. We have had on former occasions papers laid on the table and commented upon in the Royal Speech, relating to matters so important as a treaty for the suppression of the slave trade with the Republic of Ecuador, and other no less important subjects; but in the course of the present year a treaty has been negotiated which I hope Her Majesty's Government do not undervalue, for I can assure them the commercial interests of the country do not undervalue it—a treaty by which the inner waters of the River Plate have been opened to the commerce of all the world, and by which an immense inlet has been made to an augmenting and continually increasing market for the manufactures of this country; and even our imports from this quarter are not insignificant now, because they include the important articles of hemp and tallow, adequate supplies of which under existing circumstances there may be some difficulty in obtaining from Russia. I can assure your Lordships that this is a matter by no means considered of minor importance by the merchants and commercial interests of this country, for they contend that the whole interior of South America should be open without restriction to this country, and that treaties may be advantageously concluded with the various States which are intersected by the great South American rivers. Again, adverting to the United States, I may just observe that the President thought it necessary to mention this treaty (which had been effected in conjunction with this country) as a matter from which the commerce of the United States would derive great advantage. I

only mention this, because this important omission was a point of modesty on the part of the noble Earl—because the merit, be it important or unimportant, is not due to the members of Her Majesty's Government, but to my noble Friend who sits near me (Lord Malmesbury), under whose auspices and authority these negotiations were carried on by Sir Charles Hotham. But although Her Majesty's Government cannot claim the merit of originating or effecting this arrangement, they can at least claim the good fortune of not having been able to put a stop to it, because, by a comparison of the dates, it will be seen that Sir Charles Hotham had completed, in the course of last year, the treaty of Buenos Ayres—the most important of the whole—and sent it back for the ratification of the Government; and most fortunately he sent it back as soon as he did, because the treaty so conducted, and the communication announcing the success of his mission was—if I am not misinformed—crossed on the road by another despatch from the noble Lord opposite, the Secretary of State for Foreign Affairs, recalling Sir Charles Hotham from his attempt to conduct a mission which was stated to be productive of great expense, and to have no chance of being brought to a successful issue. I regret, therefore, that modesty, apart from the importance of the subject, debarred Her Majesty's Government from introducing any mention of this treaty.

My Lords, I now approach—and I approach with a deep sense of the importance and gravity of the occasion—that which has been treated—as necessarily it must be treated—as the main and principal subject of the Speech from the Throne. I mean the most critical state in which we now stand with regard to our relations with Russia and Turkey. And I confess that I regret that, even at the eleventh hour, the language of Her Majesty's Government was not more clear and distinct on the subject. I am left like the noble Marquess (the Marquess of Clanricarde) who alluded to the question, to mere conjecture as to whether, at the moment that I am speaking, we are at peace or at war. For I presume that if I were to hint that we are actually at war, not only would such a conclusion be repudiated by the noble Earl at the head of Her Majesty's Government, but he would state that Her Majesty had endeavoured in conjunction with Her Allies “to preserve and restore peace,” and that

She would persevere in Her efforts to accomplish that object; yet I would suggest a little modification in this, and say that, before peace is preserved, it had better be restored. It is intimated to us, however, that a state of warfare has ensued from the failure of all our negotiations. A state of warfare: with whom are we engaged in that warfare? are we belligerents? are we partisans? are we carrying on war openly and boldly, or are we carrying on that which is tantamount to war, but a war carried on in a pettifogging manner, and, I might almost say, in a manner discreditable to this great country? I know not, but I hope that when the papers which the noble Earl has announced his intention of laying on the table shall have been submitted to our consideration, we shall at least then know what is the precise occupation in which our fleet is engaged at present; that we shall know precisely under what orders it has been sent, and that those orders have been given in the most distinct, and positive, and formal manner by Her Majesty's Government here to the admiral in command of the squadron in the Bosphorus or in the Black Sea. Well, my Lords, I shall rejoice to see what is the exact state of affairs; but at the present moment, I confess it is involved in obscurity. We are not at war—we are cherishing hopes of peace, and labouring to restore it when interrupted; but, at the same time, Her Majesty's Government are sending a message to one of the belligerent parties, that if their vessels leave the port in which it is presumed they are lying, we shall consider it an act of hostility, and insist on confining them to their quarters. But while such is our conduct towards one of the belligerents, are we applying the same condition to the other belligerent? are we confining the Turkish fleet under a compulsory armistice? No, it is a fact, of which your Lordships are without doubt aware, that we are convoying the Turkish fleet, laden with ammunition and with troops, to enable Turkey more effectually to carry on war. I am not saying that, if we are doing all this, we are acting in a manner discreditable to the country, by giving a moral and physical assistance to Turkey; but I say that by giving the convoy of our fleet for the transport of ammunition and of troops, whatever you may call it, we are virtually engaged in war, but at the same time a description of war, which, with all the

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risks, all the difficulties, and all the dangers, which must ever attend war, is undoubtedly accompanied with greater risks, difficulties, and dangers, than an open declaration of war itself would incur.

I will abstain from entering into details, because all the information we now possess is derived from the ordinary sources of intelligence, and from that amount of information which other Governments have thought fit to give to Parliament and the country, but which the present Government feel it to be their duty to suppress or to withhold altogether, or have only allowed to transpire through the columns of a friendly newspaper. But I do not complain of Her Majesty's Government for having used their best endeavours for preserving peace, and when hope appeared to be extinct, for using even their despairing efforts to avert the calamity of war. There is no man—not even the noble Earl himself—who looks upon the necessity of war with more apprehension and horror—not with apprehension for the safety of the honour and character of the country, but with the apprehension with which every humane man must regard the arrival of that which ever must be accompanied with inevitable calamities to the human race—no man looks upon the evils of war with greater apprehension and abhorrence than I do. And I do not complain of Her Majesty's Government for having left no means untried to avert war. What I do complain of, as far as my knowledge and information goes—and I shall rejoice to find myself contradicted and convinced by the perusal of the papers which we are about to see—is, that the means taken by Her Majesty's Government are not only not the best means to effect that object, but appear to me to be the best calculated inevitably to thwart that object. The noble Earl the Secretary of State for Foreign Affairs has said, and I agree with him, that it is not desirable that this country, in her foreign relations, should manifest a suspicious policy. I entirely agree with him, and if there were any country towards which more than another it is desirable that this country should not adopt an attitude of unnecessary or of exaggerated suspicion, that very country is Russia; but, on the other hand, there is no country in the world towards which, while we do not hold the language of suspicion, or conduct our policy on unfounded suspicion—there is no country in the world with which it is more essential to deal with



a frank, open, and explicit declaration of that which we will allow, and that which we will not allow—of that which we intend to do, and that which we intend shall not be done; and that if she goes beyond that point, to a certainty the ambitious designs of Russia will meet with the vigorous and determined resistance of England. The whole policy of Russia for the last 150 years has been a policy of gradual aggression—not a policy of conquest, but of aggression. It has never proceeded by storm, but by sap and mine. The first process has been invariably that of fomenting discontent and dissatisfaction amongst the subjects of subordinate States—then proffering mediation—then offering assistance to the weaker party—then declaring the independence of that party—then placing that independence under the protection of Russia; and finally, from protection, proceeding to the absorption, one by one, of those States into the gigantic body of the Russia Empire. My Lords, I say nothing of Poland or of Livonia, but I speak of Mingrelia, Imeritia, and the countries of the Caspian, even as far as the boundary of the Araxes; and, again, the Crimea itself. This has been the one course which Russia has invariably pursued; but your Lordships will observe that, although she has pursued this steady course for 150 years, she has from time to time desisted from her schemes where she has found that she would be defeated in her object, and she has never carried any one of those schemes into effect where she has been certain to meet the opposition of this country. I say, therefore, giving all due credit for the prudence and sagacity which the Emperor Nicholas has displayed, and the caution he has shown, and the apparent frankness he has exhibited in the course of the last few years—to the moderation and prudence by which he has confined himself to that which, next to the extension of her empire, has been the chief object of Russia, namely, the maintenance of what she calls order, and the suppression of revolutionary principles; nevertheless, such being the habitual policy of Russia, the mode in which she is to be met by this country is not one of counter intrigues and petty diplomacy here and there, but by a frank, and at the same time firm, temperate, and yet friendly declaration of the point beyond which, if she desires to retain the friendship and good-will of England, it is impossible, consistently with the honour and character of this country, that Russia should be suffered to advance. I

speak of England only just now; but certain I am that if, at an early period in these proceedings, the Emperor of Russia had been made sensible that his attempts to set up a protectorate, and next to effect an annexation, but not, perhaps, immediately to incorporate the Turkish Empire, but to weaken its resources, to extend over it his protection, to obtain the right of interference in its domestic concerns, and gradually to invest himself with a controlling power—I venture to say that if at an early period he had been made clearly to understand that in pursuing this course of policy he would meet with the unhesitating and unflinching opposition, morally and physically, of two such nations as England and France combined, the Emperor of Russia would never have taken the step which he has taken. My Lords, I think that the Emperor of Russia has great cause to complain. I think that Her Majesty's Government deceived and deluded him with regard to the course which he might have expected them to pursue. I do not say that this had intentionally been done by Her Majesty's Government. I pass over what was stated by my noble Friend behind me—though there was a great deal of truth in what he stated, as to the effect which must have been produced on the mind of the Emperor in the course of the last year, by the constant and incessant denunciations of that portion of the press which enjoys the peculiar favour of the noble Earl opposite. [The Earl of ABERDEEN: Hear, hear!] If the noble Earl cheers he must permit me to go on and show why I say this. I am far from desiring to affix upon any political party, or political man, all the indiscretions or all the follies which have been committed by newspapers generally supporting the policy of that party; but I must make an exception in the case where I find one single newspaper entrusted by Her Majesty's Government with a letter—with an important paper—which a fortnight before, on the ground of public danger, that Government had refused to communicate to Parliament. I say, my Lords, when I find that same newspaper—on a most extraordinary and remarkable occasion, on which I shall find it necessary to say a word or two by and by—announcing a fact not only unknown to his Colleagues, but unknown to his Sovereign at the moment of his resignation from office, of a most important Member of the Cabinet—when I find not only the announcement of that fact before it came to the knowledge of his colleagues,



but before it came to the knowledge of his Sovereign, but that this newspaper was authorised to disclose the Cabinet secrets, and the grounds of difference between that Member of the Government and his Colleagues—when I find that newspaper loading the Minister whose resignation it announced with vituperation in an article which could not but have been prepared before the resignation was absolutely complete; and when that same newspaper, in a few short days afterwards, when no one was found to fill up the vacant place, and the same noble Lord had returned to the post he had quitted, is seen congratulating Her Majesty's Government on the return of that able Minister, upon their riddance from whom it had equally congratulated them a few days before—I say, my Lords, when I find such revelations and such communications, which could only have proceeded from the Cabinet itself—[*Murmurs*—I say, my Lords, which could only have proceeded from the Cabinet itself—I refer, first, to the despatch in the possession of the noble Earl the Secretary of State for Foreign Affairs—I refer afterwards to that which has never yet been denied, the statement of the grounds of difference between that noble Viscount (Viscount Palmerston) and the other Members of the Cabinet, his colleagues—when I find these statements made at the very earliest moment, before they are known to those most intimately concerned, I cannot hold Her Majesty's Government to be altogether free from responsibility for the language of the newspaper which indisputably enjoys so large a portion of their confidence. But, supposing that Her Majesty's Government were not responsible for the language of this newspaper, will foreign Governments believe that they were not? When foreign Governments see these things, and see official documents transferred to its columns which are refused to Parliament, will they believe that it does not speak the sentiments of the leading Members of the Government? And when you find that paper first of all engaged in perpetual depreciation of that French alliance of which you so much boast, and on which you rest your sole hopes of safety in the unfortunate complications which you have caused—when you find that newspaper absolutely exhausting all its efforts to show that Turkey is an effete empire—one whose recovery and preservation, and the independence and integrity of whose dominions, is a matter for ridicule and not for serious argument, much less for defence—when

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the noble Earl has made no secret of, but has openly and publicly declared, his determination that hardly any circumstances would compel him to venture the hazard of war—and some of the noble Earl's correspondents have not been so discreet as he himself has with regard to his explanations (but I will be no party to the violation of such confidence)—I say then, that of all men living, the Emperor of Russia had reason to believe, first, that the noble Earl under no provocation would undertake measures of vigorous warfare; next, that the last country that there should be war with would be Russia; and, lastly, that the last country between which and England a cordial co-operation could be effected was France. And, in fact, everything in the whole course of events must have led the Russian Government to feel confirmed in their opinion. My Lords, in the whole conduct of Her Majesty's Government throughout these proceedings I trace an indication of an infirmity and hesitancy of purpose—an occasional threat here, and an expression of a conciliatory nature there, or an act of apparent vigour on the one hand, and a timid, irresolute shrinking back on the other. Indeed, I cannot but look on their whole course of proceeding as the natural fruit of that extraordinary fusion or confusion of political opinions of which Her Majesty's Government is composed. The noble Earl appears to have acted as if he had some unknown clog around his neck—some unacknowledged obligation—some personal spell upon him, by which he was debarred from taking that course which if he had taken, firmly, temperately, but vigorously, I believe we would have escaped from the unfortunate state of things which we now lament. I have said that I will not now, in the absence of the papers, attempt to enter into details; but we shall have an opportunity when they are produced of ascertaining the grounds which, as I understand, up to a comparatively late period, the Emperor of Russia had reason to form the opinion that he was not likely to have to encounter in relation to his aggression upon Turkey the active interference—the armed active interference—of two nations so powerful as England and France. Neither will I say a single word on the present state of affairs, or with regard to the abortive nature of the negotiations which have taken place, or to the delay which was unfortunately allowed to occur before any step was taken by Her Majesty's Government after the Emperor issued his orders that, if his demands were

not complied with, his troops should cross the Pruth. But the noble Earl has confessed that the confidence Her Majesty's Government were led to place in the Russian Government was falsified by the result of the mission of Prince Menschikoff; and yet subsequently, when a notification was made by Count Nesselrode that, in the event of that note *sans variance* not being accepted by Turkey, the Russian troops would certainly be ordered in a few weeks to cross the Pruth and take possession of the Principalities as a material guarantee, by which he would enforce the fulfilment of an engagement which no one pretended had ever been entered into—I say even at that moment, if Her Majesty's Government had acted with vigour and decision, I think means would have been found to reconcile the differences, and Moldavia and Wallachia would not have been invaded, and the integrity of the Turkish empire would not have been infringed. I will not now comment on the extraordinary proceedings connected with the Vienna note—a note which, from whatever place it originated, ought to have been taken in one of two lights—either that the proposition was made to one of the parties without the previous knowledge of the other; or a higher tone should have been taken, and the mediating, or rather (as they would have been in that case) the arbitrating Powers, should have simultaneously imposed it on both parties alike. I do not complain of the noble Earl for having adopted the former of these courses; but this I say, that if there was to be a previous communication made to either party of the contents of that note, most undoubtedly the party to which it should have been made was Turkey—that country which had sustained injury; for when you are seeking to obtain redress, the first question to be asked was to be put to Turkey, to know whether she was willing to accept the measure of redress which was offered. But, my Lords, public documents show the very opposite of that to have been the course which was pursued. A declaration was made on the part of the Emperor that he had received from Vienna a note of that which he believed to be, and which he signified his assent to, as a note prepared by Austria, and a note which, according to his understanding of it, was to be presented—not had been presented—for the acceptance of Turkey as an *ultimatum*, the non-acceptance of which would deprive Turkey of our material support. There is this declaration of the Emperor of Russia,

that before that notification had been made to Turkey, it had been seen and accepted by the Emperor of Russia; and it is not very extraordinary that it should have been accepted by him when communicated to him, because, by the subsequent confession of all parties except the diplomatists engaged in drawing it up, it gave up to Russia, and in the most offensive manner, everything that had been demanded by Prince Menchikoff—and you yourselves were compelled to admit this when the interpretation was objected to by Turkey; and you yourselves could not adhere to that interpretation. And here I must say that those who have hitherto entertained the opinion that the Turkish empire is a mere body without life, or substance, or vigour, and those who desired, but almost despaired of maintaining the independence and integrity of Turkey, must have been as much surprised as they were gratified by the noble part which Turkey took on this subject. Threatened by a nation numerically considered immensely her superior, and supposed to be militarily her superior, depending on allies in some of whose good offices she could hardly depend with any great confidence—at the same time that she had followed their advice, and placed herself in their hands, and made great sacrifices in order to conciliate their good opinion in all matters which did not concern her integrity and her honour, she has exhibited from the highest to the lowest, where that national honour and independence were concerned, a spirit of moderation, a sagacity, and a firmness which is not the indication of an empire in a state of caducity or dissolution. I consider it one of the symptoms of moral decrepitude in a State, if, in matters of this kind, it tolerates that affairs of this importance should be conducted with imbecility, with vacillation, and with pusillanimity. My Lords, I concur with the noble Earl who lately addressed us, that if we are indeed on the verge of war—whatever may have been the causes that have led to it—however it might have been avoided by a more prudent, because a more vigorous, course of conduct on the part of those to whom the national affairs of this country are entrusted—yet if we are embarked in that war by any fault or error of judgment of Her Majesty's Ministers, provided the objects of that war are, as I think they are, laudable and honourable; provided the cause we are engaged in is one worth fighting

for, and one in which we are in the right; provided it be—that which, differing from the noble Earl, I think it is—a cause in which our interference, in one shape or another, was become a matter of necessity—if this be the case, then I concur with the noble Earl that we should better employ ourselves—better even than in investigating the original causes of the failure in preserving peace—better employed, without consideration of party or anything but the honour of the country, in strengthening the Government for the vigorous prosecution of a war which ought not to be undertaken at all if it be not undertaken with the entire force of the empire—that force wielded and maintained as it would be by that unanimous public opinion which exists at the present moment. I do not advocate war. I deprecate it as the greatest of calamities. I think it might have been avoided. But when we are once embarked in war we have nothing to do but to consider, our cause being just, what are the best means of carrying it on, and how we can bring the country through the enormities and horrors of that war to a safe and honourable peace.

I have one word further with the noble Earl. If, indeed, we are to embark in a struggle, the intensity and duration of which no man can foresee, I think that no more unfortunate period could have been selected for the introduction of a question which is so certain to divide, to exasperate, and to agitate parties as the question of Parliamentary reform.

My Lords, upon that subject I must be permitted to say a few words, because I do not altogether upon that subject concur with the views taken by the noble Earl, and apparently taken also by others. Before I say a word upon the question of Parliamentary reform, let me draw one broad distinction. I trust that your Lordships will never consent to couple together as parts of one another, or belonging to the same system, two questions which are essentially different from each other, however they may bear on your elective system—I mean the measures for the purpose of preventing corruption and bribery at elections, and the measures for the alteration of constituencies and representation. With regard to one, I believe your Lordships as to the objects to be attained—the means for obtaining it may be a matter of great difficulty—but with regard to the object to be attained, the suppression of bribery and corruption at elections, I do not

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believe that there will be a single dissident among your Lordships. I believe there are no persons, certainly no class, who do not feel it to be for the interest and honour of the country to remove from it that scandal and that evil which has been gradually increasing—namely, the extension of bribery and corruption which now prevail among the constituencies to so great an extent. But if there be one class more than another which has a deep interest, for its own sake, in putting down and suppressing that bribery and corruption, that class is those who are, as most of your Lordships are, connected with the landed interest of this country, and exercising, each in your own neighbourhood, a local and a legitimate influence, which, I trust, will never be attempted to be put down, and which, I am certain, never actually can be put down, but which has been most perniciously counterbalanced and neutralised by the corrupting influence of direct bribery, bringing to bear an influence of money against the legitimate influence of neighbourhood and good-will. Therefore, as far as bribery and corruption are concerned, I believe you will have a universal concurrence in the object at which you aim. With regard to the means by which you seek to effect this object, there may, and probably will, be differences of opinion among you. I confess that I should have been better pleased if I had seen inserted one word which I am not without hope Her Majesty's Government may consent to introduce in the Answer to Her Majesty's Speech, coupling with bribery and corruption that which I am afraid is hardly less prevalent, though perhaps fully as difficult to deal with—namely, the intimidation which is so prevalent. I am quite certain that as those with whom I have the honour of acting will be perfectly ready to join in any measure for the suppression of bribery and corruption, so—unjustly as the body to which many of them belong have been charged in the public newspapers and in various publications with exercising an intimidation which I do not believe to exist—Her Majesty's Government will find upon their part an equal readiness to devise effective measures for the suppression of intimidation. I can understand that the question of the franchise may be confined by circumstances to one portion of Her Majesty's dominions only; I can understand that an alteration of the franchise may be required in England without being required in Scotland or Ireland; but the

suppression of bribery, corruption, and intimidation is a matter which surely is applicable at least as much to Scotland and Ireland as it is to England. There is one class of intimidation which has been carried on most extensively in Ireland, which is peculiar to Ireland—a class which taints the whole of your electoral system, and which really neutralises the votes of the electors, and transfers them to a body who have no right to exercise that power, to pervert their spiritual power to the abusive exercise of temporal power—I mean that power which is and has been exercised in Ireland by the Roman Catholic priesthood, to the utter corruption and destruction of anything like liberty of vote or freedom of conscience. I trust Her Majesty's Government will have the courage to look this monstrous evil in the face, and that they will not suffer intimidation to be checked on the part of one portion of the community in one portion of Her Majesty's dominions, and to remain unchecked and uncontrolled in another portion, every constituency being at least equally liable to be acted upon by the influence of those exercising authority. Now, my Lords, upon the subject of the reform of Parliament, it has been urged by some noble Lords that this is a time peculiarly suited for the introduction of the question, because there is no agitation out of doors on the subject. Now, apart even from the question of the momentous struggle in which we may be engaged in regard to foreign matters, I cannot but think that the absence of all feeling out of doors—I do not say of agitation, I say of feeling—upon the subject of an extensive alteration of our electoral system, is very good ground why Her Majesty's Government should not unnecessarily disturb a system which, whatever may be its theoretical anomalies, they at least will not dispute practically furnishes a House of Commons representing the sense of the people, even if it does not, as stated by the noble Earl opposite, on some occasions represent too accurately the temporary popular feeling of the day. If, however, Her Majesty's Government, should it think fitting, in obedience to the command of the Crown, to lay upon the table of the other House of Parliament a measure for the alteration of the franchise, I am certain that no opposition will be made to the submission of that proposition to the deliberation of Parliament. The measure will be considered with the respect due to the source from which it proceeds; and it

will be considered temperately and firmly, with reference to the objects proposed to be effected by it, and the application of the means to the attainment of those objects. But this I must distinctly tell the noble Earl (the Earl of Aberdeen) that if the effect of that measure be to increase the inequality of the representation which now prevails in favour of the great towns, and the masses congregated in them, against the representatives of the county districts of England—whereas it can be shown, and it shall be shown if you come to argue that question, whether upon numbers of population or numbers of constituency, that the county constituencies, those which represent the property of the country, bear a very inadequate proportion in the number of their representatives to those who represent the masses congregated in boroughs—I say, my Lords, if you seek still further to increase that inequality, to give a preponderating influence greater than that at present existing to that class of your representatives, then your Lordships must make up your minds that such a measure will be resisted by all those, I hope I may say on both sides of the House, who are determined to maintain, not the interest of a class, but that which the noble Earl who introduced this debate, rightly stated to be the due representation of all classes in the Commons House of Parliament. I beg that your Lordships will not lose sight of this, that from the earliest periods of the Parliamentary history of this country there have been two great divisions of constituencies, and it is upon due weight being given to each of these two that the whole balance of the constitution in the House of Commons depends. They are, on the one hand, those who represent the property—landed if you will, but the fixed and immovable property of the country—represented by the knights of the shire, elected by the freeholders and those holding leases of property; and on the other, the burgesses, elected by their fellow-burgesses not representing property, but representing residence and occupation of premises. That distinction is as old as the earliest period of our history. It is not a new distinction introduced at the time of the Reform Bill; but it is a distinction which, at the time of the Reform Bill in 1831 and 1832, was recognised, and, to a certain extent, was even extended—because one of the main alterations with regard to the franchise, in addition to extending it beyond the corporations which



had in some boroughs usurped the place of the inhabitants at large, was that it was given to a great mass of rated householders; and at the same time, in order to draw more clearly the distinction between the two classes of representation, the non-resident freemen were disfranchised in regard to boroughs, while residence was not considered necessary with regard to the county franchise. Property was there made the basis of representation; number and residence were the basis of representation with regard to boroughs. I do not pretend that this theory is carried out in all its integrity and with all its detail. Theory it is not; it is a practical distinction, most important to be borne in mind if you desire that the House of Commons should be not a mere representation of numbers, but a representation of property and numbers combined, one portion of the Members representing more directly the interest of property, the other representing more directly and immediately the interests of residence and numbers. I do trust that the Government, in the measures they are about to introduce, will not attempt to break down this old, well-founded, and most important distinction. If they do so for the purpose of removing any apparent anomaly, and diminishing the inequality of numbers, or of introducing any fanciful regularity, they will entail much more serious consequences in the total alteration and subversion of the principles of the representation of this country, and the alteration of the distribution of powers; and they will derive no advantage from any possible establishment of a system apparently more symmetrical, but not containing the elements of real power and real convenience which are comprised in the present system, and which form one of the main balances of the constitution. Of this measure, if Her Majesty's Government think fit to introduce it, there will be ample time both for the other House of Parliament and for your Lordships to discuss the details. I have thought it right to indicate, in regard to the leading principles of the measure, the views which I hold in common with many of those with whom I have the satisfaction of acting, and whose opposition, if the principles which they support are violated, the noble Earl and his Colleagues may expect.

My Lords, although in the magnitude of the public affairs which have engaged the attention of your Lordships' House, considerations of a merely personal character

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must necessarily be put into the background, there is one question which, though partaking of a personal character, is also matter of no little public importance, and though of course not alluded to in Her Majesty's Speech from the Throne, is not perhaps unworthy of some explanation on the part of Her Majesty's Government. My Lords, I think Parliament would neglect its duty if it altogether abstained from commenting upon a most extraordinary proceeding which has recently taken place, and to which I incidentally referred in an earlier part of my remarks. For the space of twelve days the country was without a Minister of the Home Department; nor was that the case of an ordinary Minister, nor did it occur at an ordinary time. At a crisis of our foreign affairs—at a time when the attention of the Government was, or ought to have been—probably was—almost exclusively directed to the important and urgent subjects of foreign policy which were pressed upon them—the country was suddenly startled by the announcement—an announcement given in great detail, and with great apparent knowledge of facts—that the Minister who, although I have often differed from him on foreign affairs, yet undoubtedly possessed more knowledge of foreign affairs, and by a great portion of the country was more trusted than almost any other of Her Majesty's Ministers, had ceased to hold the high office of Secretary of State. That announcement was accompanied by a very circumstantial statement, which, as it has never been contradicted, I assume to be true, of the circumstances which had led to that resignation. Upon that resignation I am not going to express any opinion. I have often differed from the noble Lord (Viscount Palmerston) on political subjects, but I respect the high ability he has always displayed, and the power he has always exercised in the Government, and I believe in the honesty and sincerity of his motives. But, my Lords, after the expiration of twelve days, it became matter of notoriety that various noble Lords and right hon. Gentlemen had been solicited to accept this office, and had declined; the public were astonished to learn at the expiration of that time that it was all a mistake, that the noble Viscount was again in his place, and that the circumstances when explained would be found to be mutually honourable to all parties. I hope they will be so. It is in that hope that I venture to ask the noble Earl (the Earl of Aberdeen) for some



explanation of that which, unexplained, certainly exposes the Government collectively, and the Members of the Cabinet individually, to very serious misapprehension. The resignation of the office of Secretary of State is no matter to be lightly tendered or lightly accepted; and least of all is it a step to be lightly taken, or except upon grounds of most imperative necessity, or paramount differences upon principles at a time when the country is confessedly in difficulty, and when the talents and abilities of a particular person may be most essential and useful to the country. But, my Lords, if the question upon which the Government differed, and upon which that noble Lord tendered his resignation, was a matter of minor importance, capable with honour to both parties of being explained away, and the difference reconciled, I ask what justification there could be in the first instance for the noble Lord who tendered his resignation; or, in the next place, for the noble Earl who, on the part of the Crown, accepted that resignation without an attempt to retain the services of his Colleague? If the difficulties could be easily got over, both parties, it appears to me, have much to explain why the country was for a period left, by the resignation of one, accepted by the other, at such a time, without the services of a Secretary of State for the Home Department. If, on the other hand, the difference were such as justified the resignation on the one side, and the acceptance of that resignation on the other—if it were such an irreconcilable difference, in point of principle, as no argument could have got over, no explanation could have conciliated, then I must say that the reunion of these two Ministers, these differences unadjusted, the question still open for submission to Parliament upon which the differences took place, is only explicable upon the supposition that where reconciliation was impossible and the question was of vital importance, there one party or other must have abandoned principles which he deemed it of such importance to maintain, as to tender on the one hand, or accept on the other, a resignation of one of the highest offices of the State. I express no opinion. I know nothing of the merits of the case; but I say that your Lordships would not be doing your duty by the country if you did not ask of Her Majesty's Government an explanation of that singular fact, that the resignation of one of the leading Ministers of the

Crown was tendered and accepted; and at the expiration of twelve days, without any alteration of external circumstances, we find the Ministers who had apparently so irreconcilably differed upon matters of principle, sitting in the same Cabinet, and sharing in the same councils. The original formation of Her Majesty's Government—they will forgive me for saying—was not such as to lead the public to entertain any very great confidence in the unity of their opinions; but if, in the course of events, they see their dissensions are such that on a question about to be submitted to Parliament a Minister has resigned, and has again accepted his office, they will then have to inquire which of the Ministers it is who has given way, and who is, in point of fact, at this moment the guiding genius of the Cabinet, the noble Earl or his Colleague, whom he has taken back into his Cabinet after he had accepted his resignation without attempting to retain him. This is a matter which cannot increase the confidence which Parliament must feel in the manner in which public men act together. It cannot increase the confidence in the conduct of the present Administration, it cannot increase the opinion of their sincerity, when the measure, on which it was understood the separation took place, comes to be discussed in either House of Parliament, where these Ministers, entertaining avowedly most opposite views, are seen in the public discussions supporting the measure on which they—I will not say personally—but politically quarrelled.

I rejoice to think that after this long debate there is no necessity for moving an amendment to the Address. I will submit to the noble Earl's consideration the insertion of the word "intimidation" after "bribery and corruption." I have no other amendment to move, and in a political sense no complaint to make against the Address. In conclusion, my Lords, I am convinced that, whatever may be the difference of our political opinions, with regard to one point there will be no difference, namely, as to our cordial concurrence in seeking the best mode of extricating our country from her position with honour to her arms, and with honour to the character which she bears among the nations.

THE EARL OF ABERDEEN: My Lords, there are some things in the speech of the noble Earl who has just sat down which require immediate attention, and to which I am, therefore, desirous to refer without delay—there are some topics to which he has

alluded, which will be more conveniently discussed at some future period. In the first instance I have to complain that, after notice had been given that the papers relating to these long and complicated negotiations should be laid on the table to-night, the noble Earl should not have abstained from making comments founded on information quite incorrect, and in many instances directly the reverse of true. It would have been but natural that on this occasion he should have abstained; but I suppose the temptation was too strong, and that however the papers may exculpate Her Majesty's Ministers, at all events the present opportunity for blaming them was not to be resisted. My Lords, the noble Earl has thought proper to say that the Emperor of Russia has reason to think that the present Cabinet would not go to war with him; and he has especially directed his observations to me. He has said that my known reluctance to war, and the declarations which I have made upon the subject, were such as to mislead him, and to make him believe that I would never be a party to engaging in hostilities with him. Now, my Lords, I am quite ready to repeat all the declarations I have ever made against this country engaging in war with any State, and particularly with Russia. The people of this country have not unfrequently rashly and hastily engaged in wars, which they have afterwards repented at leisure. I consider it to be my duty, and the duty of Her Majesty's Government, not to say that under all circumstances we will ever engage in a war, but to use every possible effort, every endeavour to check, even when the feeling is laudable and natural—as I admit it to be in the present instance, where it is a popular feeling of indignation against what seems to be an aggression and an injustice—still I say it is the duty of the Government to restrain within the bounds of prudence and of reason even the indulgence of feelings which are perfectly natural and justifiable. My Lords, the accusation of the noble Earl is an odious accusation. I must remind your Lordships that it is the opinion, not only of moralists, but also of all statesmen, that no war can be justifiable unless it partakes of the character of a war of self-defence. My own opinion of war is such as I have already said—that I think it is the greatest proof of the depravity and corruption of human nature that anything so horrible as war should ever be just and lawful. Yet it is the case. We must all agree too, that while war is always the

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greatest of all calamities, it is also often the greatest folly and the greatest wickedness that a people can commit. Now, my Lords, repeating all which I have ever said on the horror and detestation which I entertain of war, I am ready to admit that there must be exceptions. Now, although we cannot prove that there is danger to this country in the war at present existing between Russia and Turkey, yet, in regard to the preservation of the balance which has been established in Europe, it may be considered in some sense a war in self-defence when we preserve the relative position and power of the various States, with a view to the general security of all. But this, I say, is an odious accusation, and it has been repeated over and over again, in quarters which are supposed to be much connected with the noble Earl (the Earl of Derby) and his friends. In truth, your Lordships may have observed for some time back that the whole censure of the public press opposed to Her Majesty's Government has been concentrated on me alone. My noble Friend near me (the Earl of Clarendon), as charged with the conduct of these affairs, might naturally have been the prominent person to be remarked on; but he has been passed completely without observation. When your Lordships see the volume which will be laid upon the table of your House to-night, you will see with what ability, zeal, and perseverance my noble Friend has carried on these negotiations, and how well he deserves to share in the condemnations. It is said at Constantinople that I have received a hogshead of gold from Russia. The press connected with the noble Lords opposite have indulged in plain direct accusations that I am the tool and instrument of Russia. Now, my Lords, it is a singular fact that perhaps few public men in this country have ever written more, or with more acrimony, than I have of the Russian Government. One of my honourable or right honourable calumniators in the public press has accused me of betraying the honour and interests of the country, as I did in the year 1829. Now this is rather an inconsistent accusation. I am quite ready to take the responsibility that any one may impose upon me for what has been done in the course of the present year; but if it be true that I have betrayed the honour and the interests of this country in the present year, I beg to say that I cannot have done so in 1829; for I then occupied the station which my noble Friend (the Earl of

Clarendon) now does, and I served under a man who knew something of the honour and interests of this country, and of whose opinions in matters connected with the foreign policy of this country I consider myself as good an exponent as any man now living, for no man ever enjoyed more entirely his confidence, and for many years, both in office and out of office, I was in the habit of almost daily communication with him on subjects connected with these affairs. Therefore noble Lords will forgive me for saying that I am somewhat fortified by the knowledge that I have acted on the principles on which I believe that great man would have acted had he been alive. My Lords, the same party which agrees with the noble Earl (the Earl of Derby) asserts that I was the author of the Treaty of Adrianople. That I could not be. When I recollect the part which I took, and the despatches which I wrote about that treaty, I am surprised that it should have been selected as a topic for abuse. I will just explain how that stands, to show that I am not incorrect in saying that the manner of my official communication was almost acrimonious. In the year 1837, during the Administration of Lord Melbourne, upon occasion of some notice of Motion about to be made in the House of Commons, my noble Friend came to me, and asked me if I had any objection to the introduction of a despatch that I wrote upon the subject of the Treaty of Adrianople. I offered no objection. He came to me two or three days afterwards, and said that upon reflection he thought that despatch, though admirable in its tone and argument, would give so much offence to the Russian Government that he thought it would not be very advisable to make it public. This is the author of the Treaty of Adrianople, according to the letter of those authorities, whose dicta I do not doubt are to be deeply respected. But there is the same accusation running through all those organs which noble Lords opposite are understood to countenance. We are now acting in direct concert with Austria, and it is made a subject of direct accusation against me, that I am Austrian as well as Russian—a sort of Austro-Russian. Undoubtedly it is very true that forty years ago I had the honour of being accredited to the Court of Vienna as His Majesty's Ambassador; but except that I have at rare intervals since then had some communication with the venerable statesman who still lives, and who took so active a part in the great affairs of

that day—(Prince Metternich)—I have no more relation with the Austrian Cabinet than I have with the Cabinet of Japan. I am not afraid of being overruled when I say that Austria is the natural ally of this country; her alliance is one which I desire always to cultivate, and which I hope the Government of this country, in whatever hands it may be placed, will cultivate; because I think we have no points of collision, no subjects of difference, and might and ought to act cordially together in all the great affairs of Europe. I also do not deny entertaining the greatest possible desire to cultivate friendly relations with Russia, and I regret deeply the present position we occupy in respect to that Power. For, although I do not go so far as Mr. Fox, who said that he thought the strictest alliance with Russia would be by far the most important and beneficial which this country could possibly form, still I admit that it is one of the greatest possible interests of this country; and the present position of our relations, however necessary and inevitable, is viewed by me with the deepest regret. The noble Earl (the Earl of Derby) and others have said that, whatever our desire may have been to escape from war, nevertheless to us is to be attributed the danger which now hangs over us; and they have stated their opinion, that if we had met this conjuncture with a little more vigour, a little more energy, and a little more explicit declaration of our intentions, things never would have come to this pass. Now, in answer to that, I will, in the first place, only beg noble Lords to suspend their opinion until they have the means of seeing what was actually done before they pronounce a censure upon us. But again, if even it should appear that a more vigorous course, as it is called, should have been pursued, I beg to say that that is not a way of proceeding which I should, under the circumstances, have thought wise and proper. In the first place it is a sort of game of brag, which I do not much admire. It may be very well to threaten—the menacing tone may be very successful with feeble States, and on certain occasions; but to hold that language to a great Power you must be prepared not only to succeed, but to fail; and to have made up your mind as to the course you would take in the event of your menace not being successful. Now, I say that at the period alluded to by the noble Earl, it would have been the most imprudent thing in the world to have had recourse to such lan-

guage without the certainty of success. Why, in the first place, Turkey was then utterly unprepared for a contest; therefore, if we had told the Emperor, as we must have done, that if he did not comply with our demands he must expect war on our part, what would have been his answer if he had not agreed to our demands? Without doubt he would have marched upon Constantinople, and have marched without any difficulty whatever. It was then the season favourable for operations, and in one campaign he might have marched to Constantinople. This, then, was a tone which it would certainly have been most imprudent in us to hold. Besides, the Porte was not at war—it had not yet declared war against Russia. Russia had occupied the Principalities, and had given the Porte a full right to declare war if it thought proper; but the Porte, taking its own view of its own interests, thought fit not to declare war, and in so acting met with the assent and approbation of Her Majesty's Government and of Her Majesty's Ambassador at Constantinople, who certainly had the interest of the Turkish Government as much at heart as noble Lords opposite can possibly have. Well, my Lords, the consequence of the policy adopted was, that time was given for preparation, and that Turkey has been enabled to assemble and to organise that force which has met with the laudation of the noble Earl and his Friends, and which in many respects, has certainly conducted itself in a manner not expected by those who had formed less favourable opinions of the resources of the Turkish Empire. If we had held this language before the Porte had declared war, and the Porte had agreed to it—if we had led the Porte to declare war—we could not have approached Constantinople without the breach of treaties we were bound to observe, and without giving cause of offence to the Powers with whom we were at that moment acting in concert. And I must say I consider it the greatest advantage that we should thus far have induced the great German Powers to act with us, although they have not taken the vigorous measures which I think the noble Earl will admit that we have done, as well as France; but still acting with us favourably, and lending their assistance for the preservation of peace. The noble Earl seems to think that not only has the Emperor of Russia ground to complain of Her Majesty's Government, but the Emperor of

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the French has also ground to complain of us. The noble Earl was fond last year of commenting upon speeches made at election dinners; and this year he alludes—not to any speech of mine, indeed, hostile to the Emperor of the French; but to the language of a journal which he supposes expressed my opinions, from which he infers that the Emperor of the French might naturally have imagined that I was hostile to him. Now, my Lords, so far I have had the honour and happiness of being able to assure His Majesty myself what my opinions are upon the subject. Of whatever else I may be accused, certainly indifference to the French alliance cannot be laid to my charge; for, whether with the Government of the Restoration, or with that of King Louis Philippe, or with the present Emperor, my settled opinions, my known conduct and policy, always have been to cherish the French alliance in the most intimate manner. Why, who was the author of that expression which has so long passed current—the *entente cordiale*? It was introduced at the time when I was at the Foreign Office, and held the seals of that department now more worthily filled by my noble Friend near me (the Earl of Clarendon); and that cordial understanding will exist, so far as depends upon me, whoever is sovereign of that country, or whatever form of government it may possess, provided it be one capable of maintaining amicable relations with this country. Every one, I know, must make up his mind to meet with misconstruction; and it may be some comfort to the noble Earl opposite, who thinks I am so Russian in my tendencies, to know that—although the Russians have no great organs of the press, or political writings, still speeches can circulate among them—I am informed that it is fully believed and loudly declared in Russia, that Count Nesselrode has been a traitor to his country, and is in the pay of the English Government. I believe our purses are about as heavy, the one as the other, for whatever advantage we may have derived respectively from the policy each of us has pursued, I must say, in justice to Count Nesselrode, that I think he is as desirous, to the utmost of his ability and power, to preserve peace and maintain friendly relations with this country, as we, on our sides, are with Russia. As there will be future opportunities of entering into the particulars of those negotiations, I shall not follow them further into detail, except as to one point



noticed by the noble Earl, but on which he has entirely mistaken the facts of the case—I refer to the preparation of the Vienna note. He imagined that we had submitted those proposals to the Emperor of Russia, and that after he had accepted them they were then carried to Constantinople for the acceptance of the Porte. Now, that is entirely a misrepresentation. The note, in fact, was not a Vienna note, but a French note—the article was of French manufacture, and therefore may perhaps not be so distasteful to the noble Earl as if it had been prepared by Her Majesty's Government. But, whatever it was, it was sent, I believe, on the very same day to St. Petersburg and to Constantinople; nay more, it was shown both to the Russian and Turkish Ministers at Vienna at the time of its being so transmitted to both capitals. Therefore there was perfect equality and impartiality in this proceeding; and although it may be open to the criticism of the noble Earl on its contents, these, as I have said, though approved by us, were not prepared by us, and we shall have future opportunities of discussing them.

The noble Earl has made a great point of the publication of a despatch of my noble Friend (the Earl of Clarendon) in the newspapers, ~~where~~ <sup>which</sup> he says was refused to Parliament. ~~But~~ <sup>As</sup> Parliament had been sitting ~~at the time~~ <sup>at the time</sup>, ~~it~~ <sup>it</sup> would probably have been laid before ~~the~~ <sup>the</sup> ~~Parliament~~ <sup>Parliament</sup>; but it would certainly not have been communicated to anybody if an incorrect version had not previously appeared in every paper in Europe. It then became necessary for the public interests to rectify errors which might have had serious consequences; and therefore an authentic copy of the despatch was communicated to the newspapers for publication. The noble Earl has also dwelt much upon another instance of confidential communications made to the same journal, in reference to the circumstances attending the resignation of my noble Friend the Secretary for the Home Department. He says that Her Majesty first learned the fact of that resignation from the *Times* newspaper—

THE EARL OF DERBY: I said that it was announced in the columns of the *Times* even before the Sovereign or the noble Viscount's own Colleagues had official knowledge of the fact.

THE EARL OF ABERDEEN: Well, be it so. The noble Earl will allow me then to say that he states that which is incor-

rect, for I myself informed Her Majesty of the resignation at Osborne, and the article to which he alludes I saw myself on my return from the Isle of Wight next day. That is correct; how it came to be made public, I know not—but this I know, that Her Majesty had been informed by me of my noble Friend's resignation on the day before that article appeared.

This leads me to another matter, of which the noble Earl has also said much. I understand him to have announced his intention and determination of extracting from Her Majesty's Government all the particulars connected with that transaction. I leave the matter entirely to the noble Earl's discretion; but I hope he has not set his heart upon it very strongly, because he will certainly fail in extracting from me more than I think proper to state. He said that Her Majesty's Ministers must be much cleverer fellows than he thinks them if he does not extract all the particulars of the transaction from us. Now, I am the last man to deny the cleverness of the noble Earl; but he must be a cleverer fellow than I think him if he extracts more from me than I choose to tell him. I will not be entirely silent upon this subject, because I think it proper to state in general terms what the circumstances of the case were. Connected with the preparation of the measure of Parliamentary reform misapprehension took place on the part of my noble Friend the Secretary of State for the Home Department (Viscount Palmerston). Under that misapprehension, and in the belief that the provisions of the measure were finally settled, which were not finally settled, my noble Friend tendered his resignation. Well, explanations took place, and my noble Friend—I was going to say resumed, but he never had, in fact, ceased to perform the duties of Secretary of State, and the public was not left without those duties being regularly and efficiently performed. So far for the general facts. But when the noble Earl says he thinks he has a right to know the full circumstances of this difference, and the means of reconciliation, I deny that he has any right to ask any such questions or receive any such information. Had my noble Friend left office, then indeed he might have been properly called upon to give a full account of his reasons for so doing. The noble Earl opposite may think this, as Sir Lucius said, a very pretty quarrel as it stood; but I apprehend that, whether in a



Cabinet or elsewhere, if a misapprehension or misunderstanding takes place which is cleared up or reconciled, and the parties act cordially afterwards together, it may be matter for curiosity or it may be matter for mischief, to pry into the circumstances, but there is no legitimate ground of inquiry. Now that is the only answer I shall give, if he thinks that is the only ground for his demand of information—for as to his curiosity or his speculations I do not value them a rush—he may deal in them as much as he pleases. If he can say that the public interest has in any way or degree suffered from what took place, then in that case, even if he should be silent, I have no doubt others will be found to bring the accusation against my noble Friend, who in that case will justify himself in the course he took. But, as matters stand, I hold myself exempt from the least necessity for going into any further detail of that transaction.

I will say this, however, that when the noble Earl deals so liberally in his accusations and in insinuations of connexion with the press, I must beg to say this comes rather ill from him, considering the part taken by that section of the press most devoted to him and his party—a part which I will venture to affirm presents a more disgraceful exhibition than I ever before heard of. I do certainly say it is not for the noble Earl to speak or make any imputations upon others for objectionable matter which appears in the public prints, because I declare that never has it happened to me to see such a line pursued by the organs of public opinion; and I cannot forbear saying that I think it is not only disgraceful to the press, but a disgrace to the people of this country and to the character of our civilisation, that anything so monstrous should have been promulgated day after day, and should have had the success or the vogue which these charges or insinuations have had. I feel, I say, deeply ashamed, that after having had to defend myself from the monstrosities put forth in these papers, I should have to add that imputations have been made in them against personages much higher than myself—imputations as disgraceful in themselves, and characterised by the same utter absence of any shadow of foundation. I must be allowed to make some remarks on this subject, for this odious charge has assumed a sort of ~~character~~ and consistence which renders it ~~impossible~~ to meet it more seriously

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than anything so despicable ought to be met. I will recall to the recollection of your Lordships what has been the course pursued within the last few years, and the persevering manner in which these scandalous attacks and groundless imputations have been cast upon the illustrious Prince to whom I refer. I think your Lordships must know well enough what are the constitutional position and functions of that illustrious Prince. That he is the adviser of the Queen is beyond a doubt in his capacity as her husband and most intimate companion. He is by law a Privy Councillor. Is not the Queen the first Sovereign in this country who for a long time has not had even the advantage of a private secretary? Was there ever any objection to the private secretary of George IV., or to the private secretary of William IV.? Yet these men must of necessity have known, and were able to have given advice, or to have disclosed everything, if they had thought fit, although neither of them was a Privy Councillor. Now the truth is, that the only unconstitutional thing of this nature that has happened in the course of the present reign is perhaps the circumstance of Lord Melbourne having taken it upon himself to officiate as private secretary, he being at the same time First Minister of the Crown. I can conceive ~~some~~ ~~it~~ ~~compatible~~ in the exercise of ~~these~~ ~~actions~~. But the duty was undertaken ~~with~~ ~~hope~~—a hope which happily was ~~speedily~~ realised—that Her Majesty would very soon contract a marriage which would dispense with the performance of any of those duties which Lord Melbourne performed, as private secretary. I need not describe the relative manner in which their relations are maintained between these two most illustrious persons. But that the husband should remain silent, and see his Sovereign and Her Ministers in difficulties and embarrassment, and not open his mouth to give one syllable of advice or assistance, is to propound a very different state of that relation from what I understand by it. My Lords, it has been studiously asserted, that this is a novelty—that it was Sir Robert Peel who introduced it, and that Lord Melbourne did not permit his Royal Highness to exercise those functions which he now exercises so advantageously and so beneficially to the public service of the country. I only can say this—that it is true that his Royal Highness often, very often—generally—is present in the conversations which

take place when Her Majesty's Ministers find it necessary to make representations to Her Majesty, which it is their duty to do. I can only say that I extremely regret his absence when it takes place. But I appeal to noble Lords in this House, of whom there are several, who have had the means of knowing, of hearing, of profiting by the wisdom and prudence and judgment of His Royal Highness—I ask them to say whether, in all that they have ever seen or heard, a single syllable has ever been breathed that has not tended to the honour and the interests and the welfare of this country? That a person of the talent and thought and ability of His Royal Highness may entertain views on particular matters from which a Minister may differ, is very possible. But your Lordships will recollect that it is the Minister who is responsible; and if Her Majesty should choose to adopt the opinion of His Royal Highness, which She has the right to do, the Minister has his remedy; he has but one—which is respectfully to resign his position. It is said that Lord Melbourne particularly objected to the “interference,” as it is called, of His Royal Highness. I will just read to your Lordships the last letter which Lord Melbourne addressed to Her Majesty on his leaving office. It is dated August the 30th, 1841, after Sir Robert Peel's Government had been formed, and the day before he received the seals of office:—

“Lord Melbourne cannot satisfy himself without again stating to Your Majesty in writing what he has had the honour of saying to Your Majesty respecting his Royal Highness the Prince. Lord Melbourne has formed the highest opinion of his Royal Highness's judgment, and temper, and discretion, and he cannot but feel a great consolation and security in the reflection that he leaves Your Majesty in a situation in which Your Majesty has the inestimable advantage of such advice and assistance. Lord Melbourne feels certain that Your Majesty cannot do better than to have recourse to him when it is needed, and to rely upon him with confidence.”

My Lords, in order to finish this odious subject, there is one topic more to which I must allude. What has been more studiously circulated, and I think more actively insinuated, than any other part of these accusations is, the interference of His Royal Highness with the Army and at the Horse Guards. My Lords, I have to state that, so far from there being a shadow of foundation for this accusation, it does so happen that in the year 1850, I think, it was the great desire of the Duke of Wellington to make such arrangements at the Horse Guards as would enable Prince Albert to

succeed him as Commander-in-Chief; and he proposed various arrangements which he thought would tend to render it easier for him to accept that situation, and strongly recommended it to the Queen; but His Royal Highness, with that sound judgment which is his usual characteristic, felt that it would interfere with the duties which he owed to his Sovereign and wife, and the situations which he filled, and he therefore, on that ground, and on that ground alone, declined taking the station which the Duke of Wellington was desirous he should occupy. His Royal Highness thought, and in my opinion thought wisely, that such a situation could not but have interfered with those relations and with that kind of assistance which the Queen might have expected, and did receive from him. He felt that his occupation of such a post as that of Commander-in-Chief would militate greatly against those duties which he had discharged so advantageously to the interests of the Queen and of the country. His Royal Highness stated to the Duke at great length, and with admirable clearness, the nature of his objections, and his reasons for declining the proposition that had been made to him, and in the decision come to by His Royal Highness the Duke of Wellington entirely coincided. My Lords, I need scarcely advert to the miserable calumnies that have been promulgated respecting His Royal Highness's interference with promotions. I have to say that His Royal Highness has the right of interference with the business of the Army, because he is a Field-Marshal of the Army, a commander in the Army, a chief in the Army—his son may be at the head of the Army—and he may become Regent of the country—but God forbid that such a thing should happen! But to say that he is not interested in the welfare and condition of the Army is too monstrous a thing to imagine. But beyond the general interest which he ought to take in it in the position which he occupies, I deny utterly that on any occasion, at any time—so far as I have any reason to believe and to know—under the Duke of Wellington, or under my noble Friend who is now at the head of the Army, has there been any interference of any kind on the part of His Royal Highness with the conduct or business of the Army. My Lords, I have thought it right to make these remarks, and I felt it my duty to do so, although it is a subject I am ashamed of introducing. I am sure that the noble Earl (the Earl of Derby), although he did

think proper, I think very unjustifiably, to connect what appears in the public press with public men on this side of the House—I am sure that he will repudiate with disgust and indignation the language of those who are most devoted to himself.

VISCOUNT HARDINGE: My Lords, after the statement of the noble Earl who has just sat down, I beg leave to corroborate every particle of what he has said with regard to the non-interference of His Royal Highness with the Army. I believe, my Lords, that those reports were set in motion about the same time that Major General Sir George Brown resigned his situation of Adjutant General. I never saw any attack on His Royal Highness before that time; but when that occurrence took place, then it was that a portion of the press entered into a conspiracy to attack His Royal Highness for interfering with the Army. I have had the patronage of about twenty-six or twenty-seven colonelcies of regiments to dispose of. The mode in which the business is transacted is this—that where there is any appointment to dispose of, the Commander-in-chief writes a report to the Queen recommending such person as he may think proper to succeed; and I can state, on my own knowledge, that in every instance where I have sent a recommendation it has been returned with the Queen's signature, and in every case the recommendation has been acceded to. Therefore there has been no interference with the patronage of the Army on the part of the Prince. But it has been systematically stated that this interference has been exercised. Now, it was the Adjutant General, and then the Deputy Adjutant General, that had resigned in consequence. Then it was stated the Master General of the Ordnance refused to take office unless he received a stipulation from His Royal Highness that he would no longer interfere in the Army. Such a charge is too absurd to require denial. I found on another occasion a very circumstantial account of a conversation which it was stated the Adjutant General had had with me, in which he stated, with great emphasis, that he had sworn allegiance to the Queen, and did not recognise the authority of His Royal Highness in the transaction of business at the Horse Guards. I immediately wrote to General Brown, and asked him whether in any transaction at the Horse Guards any circumstance of that character, or any conversation of that kind had occurred. In his reply he utterly denied it, and assured

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me that no such correspondence as that alluded to had taken place. It is hardly necessary to multiply the denial of charges which have been cast upon His Royal Highness. I will merely say that there is not a shadow of foundation for such statements. During the time I have held the appointment I have the honour to fill, I have had various conversations and communications with His Royal Highness, and have derived great advantage from it. I recollect last year that he suggested to me the expediency of having a camp of instruction at Chobham, and I entered into the view because I thought advantage would be derived from it. And I should like to know why I am to be debarred from communicating with His Royal Highness on matters respecting which there is no concealment. It appears that because His Royal Highness takes a little interest in the Army as a Field Marshal, that I and any officer in my position is to be debarred from communicating with him when I can communicate with any noble Lord on the same subject. Such a thing appears to me to be utterly absurd. I assert that His Royal Highness never interfered in any manner in the patronage or duties performed at the Horse Guards, but, on the contrary, has shown the utmost desire for the efficiency and advantage of the Army; and I shall on every occasion, when I may require his advice, boldly and openly address His Royal Highness. If I am wrong in the exercise of my duty at the Horse Guards, I am responsible. When my noble Friend opposite (the Earl of Derby) nominated me to my present office, he, in the most fair and honourable manner, explained to me that my duties were purely professional, and that I was under no obligation of a party or political nature. During the time the present Government have been in office, I have not been interfered with in the distribution of patronage, or the management of the business at the Horse Guards. I alone am responsible for the manner in which I exercise the office. I have received, as I have stated, from Her Majesty my recommendations regularly signed without any interference on the part of His Royal Highness, and I repudiate as utterly unworthy of belief the atrocious libels which have been circulated respecting him.

THE EARL OF DERBY: My Lords, if the noble Earl opposite (the Earl of Aberdeen) thought it consistent with his duty to enter into any explanation or discussion

of the painful and delicate topic which he has introduced into the debate. I do not quarrel with his discretion, and only doubt whether I should have exercised the same discretion under similar circumstances. But I have an excuse for trespassing on your attention, inasmuch as, although on the main question I concur in almost every sentence which has fallen from the noble Earl, I do not concur in the manner in which he has thought fit to introduce the subject; and in the presence of the noble Earl I feel bound to take some notice of the manner in which he has introduced it. In the course of the observations which I made, I traced what I thought an intimate connexion between a certain newspaper, the constant supporter of the Government, and the official intelligence or official knowledge which that newspaper could only derive from official sources; and I stated that if that was the case, and that intimate connexion could be traced, on matters which could not be known out of the Cabinet, between that paper and Her Majesty's Government, they must not be surprised if foreign Governments identified their policy with the views found in that paper. Having stated that much, and the grounds on which I did so, the noble Earl takes upon himself to say that I am the last man to throw out such an imputation, inasmuch as he charges against those newspapers which he says are the ordinary supporters of the same policy as myself the origination and publication of these most absurd, and, if they be believed, these most mischievous slanders against the Prince Consort. Now, I will not submit to the imaginary possibility of the imputation being cast upon me that I have had anything to do with any such insinuations or imputations, except treating them with ridicule and contempt—a ridicule and contempt which, had I been in the noble Earl's place, would have led me to pass them over in utter silence. If the noble Earl means to say, and to repeat the assertions that have been made in his paper, the *Times*, under a signature which I suppose is not official—under the signature “C.,” whoever “C.” may be—if he means to say that these insinuations and these slanders had their origin in the Conservative portion of the press, I beg to say—repeating the courteous manner in which the noble Earl contradicted me on a matter of fact—that both the noble Earl who has made that statement, and the correspondent of the *Times*, who has made that statement, have stated distinctly “the

thing which is not.” Because the origin of all these statements and insinuations—of these absurd charges, by which the gullibility of the public has been excited, which led crowds to attend at the doors of the Tower to see His Royal Highness go in—and which led individuals to say he was sure to have been sent there if the Queen had not announced her intention to go with him—I say that from the highest and most mischievous of these insinuations and slanders, down to those possessing the greatest absurdity, and which practised the most on the gullibility of the country, had their origin, not in any position of the Conservative press, but in papers of an extreme Liberal opinion—in papers such as the *Morning Advertiser*, which is a favourite paper, as I am informed, of the licensed victuallers, and consequently circulates through all the pot houses in the country. That is a paper that I never happen to see; but the *Morning Advertiser* and the *Daily News* are the two papers which have been most active in propagating those absurd reports, and I will not presume that either the *Morning Advertiser* or the *Daily News* are very cordial in the advocacy of my policy. Therefore, when the Prime Minister of the country attempts to connect either me or my party with the publication of such odious and ridiculous slanders, I cannot remain in the presence of the assembled Peers without telling the noble Earl that his position as Prime Minister, as a Peer of this House, gives him no right, without a shadow of foundation, to introduce such a subject, or to insinuate that countenance has been given to the slanders by the Members of the Conservative party. Now, as to the insinuations and statements themselves, I only wonder at the amount of ignorance on the part of the British public, which appears to have been so successfully practised upon. I entirely concur with the noble Earl in the confidential, the highly confidential, station which His Royal Highness fills; first, as the necessary and natural adviser of the Sovereign, placing him in the position no higher than the private secretary of the Sovereign, but also being bound to Her Majesty by the closest and tenderest ties—being bound to this country as the country of his adoption—by his being the Consort of the Sovereign—by his being the father of the future King of this country—though long may it be before such an event occurs!—it is arguing an absolute ignorance of all the feelings of human nature, and all probability



or possibility to suppose that, being in such a situation, His Royal Highness can either shut his eyes or close his ears to what is taking place—that he should not feel the deepest interest in the foreign and domestic concerns of this country—and that he should not, as a Privy Councillor, give to the Queen the benefit of his advice and opinion whenever She wishes to consult him on public affairs. I must further say that the position, the most confidential that can be filled—so confidential, indeed, that it can be filled by no person less closely connected with the Sovereign than His Royal Highness—has not only never been abused to my knowledge, but the advice and counsel given by His Royal Highness have been always, to the best of my belief, given from an enlightened consideration of what was for the advantage of the Sovereign and the public good; and although it was undoubtedly the fault of any responsible Minister, if differing in opinion from His Royal Highness, he permits himself to be overruled in the advice which he tenders to the Crown as such responsible Minister, it is a great advantage to any Minister having to advise the Sovereign of this country on public affairs—and that Sovereign a female—it is, I say, a matter of great satisfaction and advantage to the Minister that in explaining such affairs to a female Sovereign, with which She may not be in all respects familiar, She should have a person in her intimate confidence whose interests are bound up with Her own, and who on every account must have the strongest feelings of attachment to Her person, and of loyalty to the Throne, and that that person should be one able to consider the reasons given for the advice tendered to Her Majesty, and to suggest topics to Her Majesty which may or may not occur to Her own mind, but which, being suggested, it is satisfactory for any Minister to explain. The people of this country are under a great mistake if they suppose that the Sovereign does not exercise a real, salutary, and decided influence over the councils and Government of the country. The Sovereign is not the mere automaton, or puppet, of the Government of the day; She exercises a beneficial influence and control over the affairs of the State; and it is the duty of the Minister for the time being, in submitting any proposition for the assent of Her Majesty, to give satisfactory reasons that such propositions are called for by public policy, and justified by the public interests. If the

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Sovereign is not satisfied with the advice tendered to Her—if either from the suggestions of Her own mind, or from objections which may be suggested to Her by others, filling that high confidential situation to which I have referred, Her Majesty is of opinion that She will not accept the advice of the responsible Minister of the Crown, the course of the Crown and of the Minister is equally open. The course of the Crown is to refuse to accept that advice of the Minister, and the inevitable consequence to the Minister would be the tender of his resignation. If His Royal Highness, on any occasion, has done that which I believe in my conscience he has never done, and as far as my experience goes I can say he never has done—if he has unconstitutionally interfered in the affairs of the State, or has improperly interfered in leading the Crown to go counter to the advice tendered to Her Majesty by Her responsible Ministers, it would be not so much the fault of His Royal Highness—though he would incur a grievous responsibility—but it would be the fault of the Minister, whose duty it is, however respectfully he might listen to suggestions proceeding from such a high quarter, not to allow the advice he gives to his Sovereign to be overruled by no subject whatever, or by anything else but the decision of the Sovereign herself. And in that case he has only one course, and that is to withdraw from the attempt to offer advice which is not at all desirable. My Lords, I trust you will forgive me for adverting to this matter. I should have rejoiced to have seen the subject, notwithstanding it has prevailed to a considerable extent among the less instructed classes in the country, treated with that silent contempt which it deserves, and with which it would have been treated had I been in the place of the noble Earl opposite. I am happy, however, to have had an opportunity of agreeing with the noble Earl in the sentiments he has expressed in reference to this matter, though I must say that we on this side of the House have cause to complain of the manner in which it has been introduced to our notice.

LORD CAMPBELL said, that having closely studied the constitutional history of this country, he was of opinion that all that had been described by the noble Earl at the head of the Government, and the noble Earl opposite, as taking place between the Sovereign and the Ministers, was altogether unexceptionable and most salutary. It was inevitable, on allowing a female to mount



the Throne, that this communication between the Sovereign and Her Consort should take place—they must resort to the Salic law if they wished to prevent it. It was not as a Privy Councillor that His Royal Highness was present, but as an *alter ego*—as the Consort of the Queen; and it was highly desirable that the Queen regnant should have the advice of Her illustrious Consort. He believed that these accusations were most groundless and most calumnious. It was a proof that, if His Royal Highness did give advice to Her Majesty, most salutary that advice must have been, for he had no difficulty in saying that the Queen now upon the Throne was the most constitutional Sovereign that ever reigned.

THE EARL OF HARDWICKE regretted that any attempt should have been made to charge him or those near him with any connexion with the press that had circulated those slanders. [Noble LORDS on the Treasury bench were understood to disclaim the charge.] He was glad that it was now abandoned. For his own part, he should have been the basest of men if he had written or abetted the writing of any such report as had appeared in the newspapers. He disclaimed having ever had any connexion with any paper, or writing any article in any periodical whatever.

THE EARL OF ABERDEEN said, that what he had said was exactly the reverse of that attributed to him by the noble Earl (the Earl of Derby). The noble Earl ought to be the last person to connect anybody with the press on account of any supposed similarity of opinion expressed by that periodical in which the report might have been found. He had not counted the number of days on which the different newspapers had indulged in those abominable and scandalous reports, but he had seen those reports in the newspapers which were received as the organs of the noble Earl's party. He said, therefore, the noble Earl ought to use caution in charging others with any connexion with the press on account of any supposed similarity of sentiment, and that was all he had said, or meant to say.

THE EARL OF DERBY said, that the noble Earl at the head of the Government had charged the original propagation of these absurd scandals upon the papers connected with the Conservative party. He told the noble Earl again that they had had their origin in, and main propagation

through the papers connected with the extreme Liberal opinions which were perhaps now represented by the noble Duke who cheered so loudly (the Duke of Newcastle). He repeated that in these papers they had their origin, and if they had been copied into papers connected with Conservative opinions, all he could say was, that when he saw them in one of those papers he saw them with regret. As to the other paper, he never saw it. How those slanders, however, whether propagated by the extreme Liberal or the Conservative press could be intended to damage the noble Earl or Her Majesty's Government, he was at a loss to understand, inasmuch as between them and the Court he apprehended there was no inseparable connexion.

THE EARL OF HARROWBY said, that of course these vile slanders were treated with deserved contempt, so long as they were confined to the lower portion of the Radical press; but they received confirmation to some extent, and attracted notice, when they were copied by that portion of the press which professed to represent the gentlemen of England. Their Lordships were not to be reasoned out of their own senses. Those reports had been sanctioned by the Conservative press, and they gained belief in consequence of those abominable, scandalous, and incredible slanders receiving the sanction of that press. He must say he wished he had seen through the medium of his noble Friends on the right some disclaimer of those slanders, or some influence exercised to put a stop to them. He did not suspect them of having shared in those things. God forbid that any gentleman should be suspected of any such conduct! But he did complain that some gentlemen connected with that party had not come boldly forward on the first opportunity, and given a check to those slanders. He must say that he did think, considering the position which His Royal Highness Prince Albert occupied in this country, considering that we had had thirteen years' experience of him in which he had been walking among us in public and in private, and taking a share in all our institutions, having in that time earned the reputation not only of a man of virtue and character, but of a man of sense and discretion, that it was in the highest degree discreditable to this country that it could have entertained for a moment suspicions so base and so utterly unfounded. He repeated, that he did not charge his noble

Friends personally; but when he saw the Radical press alone blamed, as if the Conservative press had had no share in it, he could not help rising to vindicate the common sense of the country, and to place the blame where it was fairly due.

THE EARL OF DERBY said, he did not desire to defend one newspaper or another; but he did desire to repudiate the attempt which had been made to throw upon the Conservative party and press the odium of having originated this slander. He disclaimed also the doctrine which had been put forward by the noble Earl (the Earl of Harrowby), that it was the duty of himself, or of his noble Friends, to watch for any absurd or mischievous paragraph which might appear in a newspaper which the noble Earl was pleased to call their organ, and which so far as he was concerned, or could prevent it, he had never allowed any paper whatever to be. Neither directly nor indirectly had he ever influenced in his life, so far as he knew, a single paragraph in a single newspaper, and he was not going now for the first time to take upon himself the duty of contradicting either the calumnies which might appear against him in opposing journals, or the absurd paragraphs in those professing to support him, and thereby making himself, what he never would be, responsible for that which might appear in any newspaper whatever.

THE EARL OF MALMESBURY could say, that since he had entered that House, he had never heard a speech which had been more offensive to his feelings than that of the noble Earl on the cross benches (the Earl of Harrowby). [*Laughter.*] It was no laughing matter to tell gentlemen that they were connected with a press which had insulted the Crown. He begged the noble Earl would not interrupt him. He had not interrupted the noble Earl.

THE EARL OF HARROWBY rose to explain. He had distinctly stated that he did not charge the noble Earl or his Friends with being connected with that press. If he had not made himself clear on that point, he regretted it.

THE EARL OF MALMESBURY: The noble Earl had stated that it was their duty, and that they ought early to have stopped those articles from appearing. How could they stop them if they were not connected with that press? And if the noble Earl told them that they ought to have stopped these things, was not that to them that they were connected with them, and that they could have stop-

ped them if they had chosen? He repeated that he had never heard a more offensive speech spoken in that House in his life.

Address *agreed to, nemine dissentiente*; and a Committee was appointed to prepare the Address. The Committee withdrew; and, after some time, Report was made of an Address drawn by them, which, being read, was *agreed to*; and Ordered to be presented to Her Majesty by the Lords with White Staves.

House adjourned to Thursday next.

## HOUSE OF COMMONS,

*Tuesday, January 31, 1854.*

MINUTES.] NEW WAITS (*during Recess*).—For New Sarum, *v.* Charles Baring Wall, Esq. deceased; for Warwick County (Southern Division), *v.* George Guy Greville, Esq. commonly called Lord Brook, now Earl of Warwick, called to the House of Peers; for Gloucester County (Eastern Division), *v.* Henry Charles Fitzroy Somerset, commonly called the Marquess of Worcester, now Duke of Beaufort, called to the House of Peers; for Lisburn Borough, *v.* Roger Johnson Smyth, Esq. deceased; for Clonmel, *v.* John Cecil Lawless, Esq. commonly called the Hon. Cecil Lawless, deceased.

*Now Ordered.*—For Oxford University, *v.* Sir Robert Harry Inglis, Bt. Steward of Northsted; for Louth County, *v.* Chichester Samuel Fortescue, Esq., Commissioner of the Treasury; for Stafford County (Southern Division), *v.* Viscount Lewisham, now Earl of Dartmouth; for Brecknock Borough, *v.* Charles Rodney Morgan, Esq. deceased; for Salop County (Southern Division), *v.* Hon. Robert Henry Clive, deceased; for Sussex County (Western Division), *v.* Richard Prime, Esq. Chiltern Hundreds.

NEW MEMBERS SWORN.—For Gloucester County (Eastern Division), Sir Michael Hicks Beach, Bt.; for Stamford, Lord Robert Talbot Gascoyne Cecil; for New Sarum, Edward Pery Buckley, Esq.; for Dungarvan, John Francis Maguire, Esq.; and for Lisburn, Jonathan Joseph Richardson, Esq. being one of the people called Quakers, made the Affirmation required by Law.

PUBLIC BILL.—1<sup>c</sup> Outlawries.

## CONVOCATION.

SIR JOHN PAKINGTON: Sir, I have to request the permission of the House to put a question to Her Majesty's Government. I am quite aware that it is unusual to address any question to a Minister of the Crown upon the first day of the Session. I have no desire unnecessarily to infringe that rule, but I hope that the House will consider that circumstances justify me in making this an exceptional case. Sir, I

have received information with respect to an intended proceeding in Convocation to-morrow, which makes me desirous to put a question to the noble Lord opposite on that subject; and as Convocation will sit at ten o'clock to-morrow morning, I hope that this will be considered a sufficient excuse on my part for deviating from what I am quite aware is the usual practice of the House upon this day. The question which I wish to put to the noble Lord is this—and as I have given the noble Lord notice of my intention, I trust that he will give me a distinct answer to the different parts of which my question will consist. I have reason to believe that communications have passed between Members of Convocation and the Prime Minister with respect to intended proceedings on the part of Convocation to-morrow; and I have reason also to believe that, in consequence of those communications with the Prime Minister, it is intended that Convocation to-morrow morning shall proceed to the transaction of business. I therefore wish to ask the noble Lord whether the Earl of Aberdeen has given his consent to such a course as I have indicated being taken by Convocation to-morrow? That is the first part of the question I wish to put. The other part of the question I wish to put is, whether, on the other hand, it being known that such an intention exists on the part of Convocation, it is the intention of Her Majesty's Government to prevent the transaction of business by Convocation to-morrow, by the interposition of the authority of the Crown?

**LORD JOHN RUSSELL:** I have seen my noble Friend the Earl of Aberdeen on this subject, and can have no difficulty in answering the question of the right hon. Gentleman. It has been the usual practice for Convocation to meet on the summons of the Crown, and to be prorogued by the Archbishop; that has been the usual course with respect to Convocation. The Earl of Aberdeen has communicated to those Members of the Convocation whom he has seen, that he thinks it would not be desirable to depart from that usual course, and he is of opinion that the prorogation should take place to-morrow in the usual manner. Therefore the right hon. Gentleman will see that the noble Lord at the head of the Government has nothing to do either with the proceeding or not proceeding by Convocation with business to-morrow. What he has said is, that it is desirable that the Convocation should be prorogued

in the usual manner, and that, therefore, unless a necessity should arise, the interposition of the Crown should not take place. I may say further, though it does not enter into the right hon. Gentleman's question, that if Convocation shall be continued beyond to-morrow, and shall be adjourned to another day, then the Earl of Aberdeen will consider that that case of necessity has arisen, and that the interposition of the Crown should take place.

#### THE QUEEN'S SPEECH.

Message to attend HER MAJESTY: the House went; and being returned—

**MR. SPEAKER** reported, that the House had that day been to the House of Lords, when Her Majesty was pleased to make a most gracious Speech to both Houses of Parliament; and that for the sake of greater accuracy, he had procured a copy thereof.

The right hon. Gentleman then read the Speech to the House.

#### ADDRESS IN ANSWER TO THE SPEECH.

**VISCOUNT CASTLEROSSE:** Sir, in rising for the purpose of moving the adoption of an Address to Her Majesty, in answer to the gracious Speech which the House has just heard from the Chair, I have to solicit that forbearance and that kind indulgence which this House never fails to extend to those who have the honour of addressing it for the first time; and the more to merit that indulgence I shall be as brief as possible in fulfilling the duty which now devolves upon me, of endeavouring to induce the House to agree to the Address which I shall have the honour to move. Sir, the period at which Parliament has assembled is, perhaps, as momentous as any in our former history; and I trust I may be permitted to express a hope that the House of Commons, throwing aside all party differences, will bring to the deliberations upon which we are about to enter that unanimity of feeling for the honour and welfare of this country which will enable her to maintain her proud and foremost place amongst the nations of the earth. I shall now, Sir, proceed, with the kind permission of the House, to touch very briefly upon some of the topics alluded to in Her Majesty's Speech. I feel convinced that the House will cordially sympathise in the deep regret expressed by Her Majesty at the threatened termination of that peace with which we have been blessed for a period of nearly forty years. I think Her Majesty's Government are entitled to

the thanks and to the confidence of the country for the forbearance and moderation which they have displayed during the last nine months. Throughout that long and eventful period, they have, in conjunction with His Majesty the Emperor of the French, and Her Majesty's other allies, had recourse to every possible means which negotiation and diplomacy could suggest, in their anxious desire to save this country, not to say Europe, from war, with all its accompanying miseries and burdens. Sir, while I feel assured this forbearance will receive its just reward, and be duly appreciated by the country, it has, in my humble judgment, been productive of two great advantages: first, it has given the country time to discuss the question in all its various bearings, and to form its own opinion; and, in the second place, it has enabled Her Majesty's Government to be prepared for whatever emergency might arise, by sending to sea a fleet unrivalled in the annals of our naval history. But should this country, Sir, unfortunately be compelled to engage in war, it will have the consolation of knowing that it will not be a war embarked in rashly, or for the sake of military or naval glory, or through the desire of conquest, but undertaken for the purpose of maintaining inviolate those treaties to which the faith of England has been pledged. The House will at once be put in possession of every information respecting the Eastern question, as all papers relating to the negotiations which have been carried on, will be forthwith laid upon the table. Sir, I am confident the House will again sympathise in the regret expressed by Her Majesty at the distress—temporary, I trust—which prevails amongst the labouring classes, in consequence of the deficient harvest with which it has pleased Providence to visit this country; it is, however, gratifying to reflect on the benefits conferred on those classes by recent legislation, which by cheapening the necessaries of life must tend to mitigate their sufferings. It is now my pleasing duty to congratulate the House on the great financial prosperity of the country, as described in Her Majesty's Speech, and indicated by the returns of trade and revenue. Passing on, now, Sir, to the last paragraph, I am glad to find that it is the intention of the Government to introduce a measure of Parliamentary reform during the present Session. It must, I think, be obvious to all that some reform is necessary; and

*Viscount Castlerosse*

though, no doubt, great difference of opinion will prevail as to the amount and nature of the reform required, yet it is impossible to overlook the fact, as evidenced by the Reports laid upon the table of the House during the last Session, of the great and wide-spread corruption which prevailed at the late general election. There is every reason to hope that the measure which Her Majesty's Government are about to submit to Parliament will remedy that great evil, and give, I trust, general satisfaction to the country. I shall not presume to trespass longer on the time and attention of the House with any further observations of my own, feeling as I do how ill it would become one inexperienced as myself, were I to attempt to enter upon the many grave and important measures mentioned in Her Majesty's Speech, and which will be submitted to the consideration of the House. Thanking the House for its extreme kindness and indulgence to me, I beg, Sir, to move—

“ That an humble Address be presented to Her Majesty to convey to Her Majesty the Thanks of this House for Her Majesty's most gracious Speech from the Throne :

“ Humbly to thank Her Majesty for the assurance of the peculiar satisfaction with which on the present occasion She recurs to the advice and assistance of Her Parliament :

“ Humbly to assure Her Majesty of the regret with which we learn that the hopes which Her Majesty expressed at the close of the last Session, that a speedy settlement would be effected of the differences existing between Russia and the Ottoman Porte have not been realised, and that a state of Warfare has ensued :

“ That we rejoice to learn that Her Majesty has continued to act in cordial co-operation with the Emperor of the French, and that Her Majesty's endeavours, in conjunction with Her Allies, to preserve and to restore Peace between the contending parties, although hitherto unsuccessful, have been unremitting :

“ Humbly to express our satisfaction at learning that Her Majesty will not fail to persevere in these endeavours; and to thank Her Majesty for informing us, that as the continuance of the War may deeply affect the interests of this Country and of Europe, Her Majesty thinks it requisite to make a further augmentation of Her Naval and Military Forces, with the view of sup-



porting Her representations, and of more effectually contributing to the restoration of Peace :

“ To thank Her Majesty for having directed that the Papers explanatory of the Negotiations which have taken place upon this subject shall be communicated to us without delay :

“ To thank Her Majesty for informing us that the Estimates for the year will be laid before us, and for expressing Her hope that, consistently with the exigencies of the Public Service at this juncture, they have been framed with a due regard to economy :

“ That we unite with Her Majesty in lamenting that in the year which has just terminated, the blessing of an abundant harvest has not been vouchsafed to us :

“ That we concur in the opinion expressed by Her Majesty, that by this dispensation of Providence the price of provisions has been enhanced, and the privations of the poor have been increased; but that their patience has been exemplary, and that the care of the Legislature, evinced by the reduction of Taxes affecting the necessaries of life, has greatly tended to preserve a spirit of contentment :

“ That we rejoice at the announcement that the Commerce of the Country is still prosperous, that Trade both of Export and Import has been largely on the increase; and that the Revenue of the past year has been more than adequate to the demands of the Public Service :

“ To assure Her Majesty, that our best consideration will be given to the Bill which Her Majesty has informed us She has ordered to be framed for opening the Coasting Trade of the United Kingdom to the Ships of all friendly Nations; and to thank Her Majesty for expressing the satisfaction with which Her Majesty looks forward to the removal of the last legislative restriction upon the use of Foreign Shipping for the benefit of Her people :

“ Humbly to thank Her Majesty for acquainting us that communications have been addressed, by Her Command, to the Universities of Oxford and Cambridge with reference to the improvement which it might be desirable to effect in their Institutions, and for informing us that these communications will be laid before us, and that measures will be proposed for our consideration with the view of giving effect to such improvements :

“ That we learn with satisfaction that the Establishments requisite for the conduct of the Civil Service, and the Arrangements bearing upon its condition, have recently been under review; and that we humbly thank Her Majesty for informing us that She will direct a plan to be laid before us, having for its object the improvement of the system of admission, and thereby to increase the efficiency of the service :

“ That we rejoice to learn that the recent measures of Legal Reform have proved highly beneficial, and that the success which has attended them has been such as may well encourage us to proceed with further amendments; and that we beg humbly to express our thanks to Her Majesty for the information that Bills will be submitted to us for transferring from the Ecclesiastical to the Civil Courts the cognizance of Testamentary and of Matrimonial Causes, and for giving increased efficiency to the Superior Courts of Common law :

“ That we humbly beg to concur in the opinion expressed by Her Majesty, that the Laws relating to the Poor have of late undergone much salutary amendment; and to assure Her Majesty that our best attention shall be directed to the Law of Settlement, in compliance with Her Majesty's recommendation, and in accordance with Her Majesty's intimation that this Law impedes the freedom of Labour, and that if this restraint can with safety be relaxed, the workman may be enabled to increase the fruits of his industry, and the interests of Capital and of Labour will be more firmly united :

“ To thank Her Majesty for informing us that measures will be submitted to us for the amendment of the Laws relating to the Representation of the Commons in Parliament :

“ Humbly to express our concurrence in the opinion that recent experience has shown that it is necessary to take more effectual precautions against the evils of Bribery, and of corrupt practices at Elections; to assure Her Majesty that it will be our duty to consider whether more complete effect may not be given to the principles of the Act of the last Reign, whereby Reforms were made in the Representation of the People in Parliament, and humbly to thank Her Majesty for acquainting us that, in recommending this subject to our consideration, Her desire is to remove every cause of just complaint,



to increase general confidence in the Legislature, and to give additional stability to the settled institutions of the State :

“To express our humble thanks to Her Majesty for submitting these important subjects to our consideration ; and to assure Her Majesty, that we unite with Her in fervently praying to Almighty God to prosper our counsels and to guide our decisions.”

MR. THOMSON HANKEY : Mr. Speaker, in rising to second the Motion which has just been submitted to the House by the noble Lord the Member for Kerry, I, like him, must crave the kind indulgence of the House—an indulgence which, inexperienced as I am, I am certain is never refused to a Member who rises for the first time within these walls to endeavour to discharge a public duty to the best of his ability. Sir, I feel that that indulgence is more particularly needed by myself on the present occasion, not only on account of my inexperience in the customs and ordinary habits of the House, but also on account of the magnitude and importance of the subjects that are alluded to in the Speech you have heard this day from the Throne. The most important and all-absorbing topic in that Speech undoubtedly refers to the Eastern question. In the notice which I may consider it necessary to take of the various points alluded to in Her Majesty's Speech, I shall endeavour to avoid the introduction of any topic which I believe may be, or is, likely to cause any difference of opinion in this House. At the same time, Sir, I feel anxious to bring under your notice, as briefly as I can, the various points which appear to me it is important should be brought under the immediate consideration of the House, in its connexion with the position of the times in which we live. The question in Her Majesty's Speech of more immediate importance is, as I have already said, the question respecting the settlement of the disputes now existing between the Eastern Powers. In connexion with that subject it appears to me that, if unfortunately this country is likely to be engaged in war—and the notice that has been communicated to this House from Her Majesty this day is certainly a forerunner of such an event—if that message is to be considered by the House as indicating that we are about to engage in war, and as requiring an augmentation of the force of the country, it surely cannot be

inopportune for us to consider in what situation this country is placed as to its national resources and its means of meeting the emergency of the times in which we are placed. I ask the House to bear with me for a few minutes while I allude as briefly as I can to what appears to me to be a matter of great importance, and that is the relative position, both financially and socially, of this country as compared with that in which we were placed at the close of the last war. After a period of nearly twenty years almost consecutively of war, this country was found with an increase of the national debt to the extent of above 600,000,000*l.* sterling, while the burden for interest of that debt was increased to the extent of 23,000,000*l.* or 24,000,000*l.* sterling. The burden which that debt imposed upon the country, was great and severe : and it has been the policy of the various Ministers who have presided over the financial affairs of this country, from that time to the present, to endeavour to relieve the country from the weight of those heavy obligations which that unfortunate war imposed upon her. Sir, I wish briefly to allude to one or two leading and striking differences which it appears to me important to consider in contrasting the position which we occupy at the present period with that in which we were placed in 1815. In 1815 the national debt amounted to 840,000,000*l.* sterling. At present the total amount of the national liabilities is 770,000,000*l.* The interest of the debt at the close of the war was about 32,000,000*l.* sterling ; it is now only 29,000,000*l.* The reduction of taxation which has taken place during that interval has, I believe, amounted to upwards of 30,000,000*l.* ; that is, that the excess of the taxes which have been reduced or taken off, over those which have been imposed, is equal to no less than that sum. Since 1815 the customs and excise duties alone have been reduced by upwards of 20,000,000*l.* sterling, and yet such have been the consequences of the vastly increased powers of consumption amongst our people, that at the present time these duties yield a revenue of 37,000,000*l.* It is true that these great results may by many persons be attributed to the legislative enactments which have been passed by Parliament from time to time. But, Sir, it is my opinion that we owe them to a vastly more influential cause than any legislation which could possibly have affected this subject—to the continued bles-

sing of peace, which this country has enjoyed for a period of now nearly forty years—a peace which has enabled the Legislature to achieve such great and important results in the furtherance of civil and religious liberty; which has placed it in the power of this House to remove from the Statute-book many of the most objectionable laws which it contained; which has permitted this country to develop its vast resources; which has left every man at liberty to turn his attention to that occupation which he has thought most likely to be profitable and advantageous to himself; which has enabled this House to remove one of the greatest blots on the constitution, by the adoption of the measure for the reform of Parliament—a measure which was calculated to effect, and I believe did effect, much good, though it has paved the way—and I am happy to think it has done so—to a still further progress in the same direction. It is, I say, Sir, owing to that long peace that the country has achieved that great and glorious work which was commenced by Clarkson and Wilberforce, and that England is now able to say that on British soil slavery exists no longer. For all these blessings which have resulted from peace, ought we not to be grateful?—and ought we not also to express our approbation of that Government which has shown itself so anxious and solicitous to preserve that peace, and to avoid the miseries consequent upon war? Sir, in connexion with the names of the Ministers who have taken this course, I would beg leave to read one single sentence from the speech of a right hon. Gentleman who was ever one of the greatest authority in this House, and whose memory is revered by every Member of it. In a speech which the late Sir Robert Peel delivered to the electors of Tamworth in 1847, he said—

“When the late Government was formed, the charge of that department was committed by the Queen to a Minister, of whom I may say with truth that he succeeded in acquiring the esteem and confidence of every man engaged in the diplomatic service of other States, and that he made that esteem and confidence conducive to the great object of his political life—the maintenance of honourable peace. It is for you to judge whether Lord Aberdeen acted wisely in disregarding those appeals to national pride and national sensibilities which, if not provocations to war, were great impediments to the maintenance of peace, and in resolving to adjust—if possible by means of amicable and mutual concession—the petty differences which constantly occur between powerful nations, and which, if treated in any other spirit, are easily inflamed into national quarrels.”

It is in pursuance of that policy that the Ministers of this country have used every effort, and are still, I believe, ready and prepared to make great concessions rather than to admit even the possibility of war. I will admit that these efforts may be less fruitful than we could hope. I can conceive that these concessions have a clear, decided, and well-defined limit, and that is, that they shall not extend to anything involving the character, the honour, and the good faith of the country. So long as Her Majesty's Government can see or feel that negotiations are likely to tend to an amicable result, I am sure that negotiations will be continued; but if these efforts should prove futile, if that limit to which I have alluded is already attained, then I venture to say that the knowledge that the Government of this country have acted with a determination to preserve peace and avoid war if possible—that they have acted as if they felt and knew that peace was the greatest blessing that God can give to man on earth, and that war was the greatest misery that could be entailed upon him—I believe that that knowledge will inspire such an amount of confidence in the people of this country, through the length and breadth of the land, that whenever the Ministers shall tell them that the sword must be unsheathed, the people will rise as one man, and will be prepared to show that they will support a Government in whom they have confidence, and also that the resources of this country are great beyond all possible conception. They will thus show that the time during which they have enjoyed that blessing has not been lost, and that the vast accumulation of capital in this country has enabled persons to save money to increase the available resources of the empire to a degree that can scarcely be conceived, and we shall then really profit by the impetus which peace has given to commerce. Allow me to refer briefly to some of those great and gigantic undertakings in which the capital and savings of this country have been embarked. I need scarcely do more than allude to the vast increase of this metropolis, or the growth which has taken place both in the population and extent of Liverpool, Manchester, and Glasgow;—the 31,000 or 32,000 ships which have been built, giving an increase of above 4,000,000 of tons to the carrying power of our mercantile marine. Nor can any one here be ignorant of the roads, the harbours, and

the railways that have been constructed—the latter alone at an expense of 260,000,000*l.* sterling. Nor has the work of improvement been limited to the development of the industrial resources of the country. I believe that no fewer than 2,000 churches have been built, besides, probably, an equal number of places of worship in connexion with the various other denominations of Christians in the country;—and even these have been found inadequate to meet the increased wants and necessities of our increasing population. These are some of the blessings that we have enjoyed during a state of peace, and that we must for a time forego if we are unfortunately driven into war. If such is the case, I say again that we must feel deeply grateful for that policy which would still show an entire desire for peace, and an earnest aversion to engage in war; and I trust that policy will be continued, and that the Ministers will feel that in so acting they carry with them the support and the confidence of every well-wisher of his country. Passing from this subject I regret to say, that the next topic alluded to in Her Majesty's Speech is the deficiency which has occurred in the harvest throughout the country. That is a calamity which every Member of this House must deeply deplore, and it is one which has been much augmented by the fact of an equal if not even a greater deficiency having occurred in the neighbouring empire of France. But the mitigation of this misfortune to which Her Majesty has alluded in Her Speech, will, I trust, show that the legislation of this country has been carried on in a right direction. There is, Sir, another misfortune which the country has had to deplore—the sufferings of the poor from the extremely high price of coals and of other necessities of life. That has no doubt been partly caused by the excessive state of prosperity which this country is now enjoying. It is evidently greatly due to the fact that the vast trade of this country has far exceeded its carrying powers—that our merchants are, at the present moment, unable anywhere to find ships to carry the goods which are being daily manufactured and prepared for exportation. I will but briefly allude to one fact to show the extent of that national prosperity to which Her Majesty has alluded. I find that in 1830, during the reign of George IV.—the Duke of Wellington being then Prime Minister—the King was advised to allude to the great state of prosperity of

*Mr. T. Hankey*

the country in His Speech from the Throne, and to announce to the Houses of Parliament that the export trade exceeded that of any former year. Now I find that the amount of the exports from this country at that period was between 36,000,000*l.* and 37,000,000*l.* sterling; while the exports in the year 1853, which has just concluded, amounted to 90,000,000*l.* sterling. Is it surprising that with this vast increase in the producing powers of this country there should be some scarcity of ships required to carry on this vast trade, and that the sufferings of the poor from the deficient supply of grain should have been somewhat enhanced by the want of the vessels required to carry coals during the inclement weather which we have experienced? The deficiency of grain, and its consequent high price, are no doubt also due in a certain degree to the high rate at which freights have ruled throughout the world. Although the country may unquestionably be congratulated upon the vast increase and extent of the national resources, still I am not prepared to say that there are not many circumstances connected with the state of trade in various parts of the country which are adverse, and which should enlist the sympathies of every well-wisher of his country. I know that a large class of persons connected with the West India trade have suffered severely, and no doubt in consequence, to a certain extent, of having been made the victims of a great national policy—in the adoption of which, however, I most sincerely rejoice, though I feel that it has entailed upon individuals sufferings which are deeply to be deplored.

And now, Sir, having called the attention of the House to the vast increase which has taken place in our national resources, and to our vastly increased power of meeting any additional call which may be made upon the energies of this country, or of paying any fresh taxation should it be necessary, let me say one word more with reference to the different position of the country in respect to taxation now and in 1815. In 1815, the taxation amounted to 4*l.* 5*s.* per head on every individual throughout the country. At the present moment I believe it is somewhere about 1*l.* 17*s.* per head. This is an additional proof of the lightness with which taxation really weighs upon the people of this kingdom, and of the vast increase which has taken place in our national resources, and which has enabled the country

to bear the burdens which have necessarily devolved upon it.

The next point alluded to in Her Majesty's Speech is the reform of the Universities. That is a subject which would naturally be brought under the notice of this House, interested, as they have always shown themselves to be, in the general subject of the education of the people of this country. I recollect well the interest with which the House, in the last Session, received the speech of the noble Lord the Member for London (Lord John Russell) with respect to the state of the education of the people; and it would be indeed astonishing if, with this interest, some endeavour was not made by the Legislature to effect a reform in the higher walks of education. Whenever the measure to which I have alluded is brought before the House, I am sure it will be met and considered in that calm and dispassionate manner which is due to a subject of so much interest and importance to the country; and I venture, also, to express a belief that it will be met by the Universities in the same spirit, with the exhibition of a desire to see those institutions improved, and to join with this House in endeavouring to effect those changes which are necessary, and which, if they have been tardy in effecting, they are now at least sensible must be well considered and matured. I hope the House will excuse me if upon this point I refer to a single sentence in a letter written by a college friend, who is a fellow and a rising man in one of the colleges of Oxford, and who has taken a great interest in the subject. He says—

“It is no use blinking the question which the progress of public opinion has forced upon us. The question is not how near the wind of our statutes we can steer so as to save our consciences and prejudices, at the same time, to appease Lord John Russell—it is simply this: how far are we fulfilling our duties as a college? In order to answer this we must place clearly before us the idea for which we exist, and we must ask whether there is any man throughout the length and breadth of England who, if asked what a college is, will not tell you that it is a place for education.”

If there is this spirit abroad amongst the young men, if they partake in this desire to join with the higher authorities in correcting abuses, and in rendering the Universities more adapted to the wants and the exigencies, and more consonant to the feelings of the present day, I am sure there will be little difficulty in the way of this House dealing with the question in a satis-

factory manner. Before I quit this subject, I hope I may be excused for alluding to the absence of a Member who, had he been still in the House, would, I am sure, have felt it both his duty and his desire to aid the House in well considering and digesting any measure relative to the reform of the University of Oxford. The well-known urbanity of the hon. Baronet, the high consideration in which he was held by all parties while he occupied a seat here, must, I am sure, create a deep feeling of regret amongst his friends, and even, I will venture to say, amongst his political opponents, that he is no longer here to assist us with his counsels, and to apply, as formerly, the kind, benevolent, conscientious, and upright principles which he held, to the solution of every question submitted to the House.

The next topic to which I will allude is one which has greatly occupied the attention of the country, and which, indeed, must interest every one who is at all concerned for our laws and constitution—I mean the reform of the Ecclesiastical Courts. The abuses existing in these courts have become a by-word throughout the country. I will not venture to allege whether all that has been asserted against them is true or otherwise; but I will venture to say that this House will be glad to learn that the time has arrived when the Government have deemed it necessary to reform certain abuses connected with them, and to make them more efficient for the purposes for which I believe they were originally intended. I consider that the cause of the great anomaly that exists in these courts arises from the fact that the jurisdiction of the Ecclesiastical Courts does not extend beyond the proof of a will, and that it is left to the other courts to carry out the principles which have been commenced here. I believe, that by the law as it at present stands, all questions relating to the disposition of property, whether the parties devising it are alive or after their death, are under the jurisdiction of the ordinary civil courts of the country; and I cannot, therefore, but think it objectionable to allow them to be discussed or initiated elsewhere. One important point, I am told, is to be legislated upon in connexion with this subject—the law of divorce. I believe I shall carry with me the feelings of the House when I say that I rejoice greatly in the belief that the time is at hand for putting an end to the difference between the rich and the



poor man which at present exists as to the law of divorce. It was an act of crying injustice to the poor man, that he should in this respect be placed in a worse position than a rich man. It is, I believe, to remove this amongst other evils which at present exist in connexion with the jurisdiction of these courts, that Her Majesty's law advisers have determined to introduce this measure. I am sure it will be received by the House with cordial satisfaction, and will receive, if not their entire support, at least their best consideration.

Another point referred to in Her Majesty's Speech to which I would briefly refer, is the law with regard to the settlement of the poor. Having had but little experience myself in the working of the poor-law in the country—my own experience being entirely confined to its working in the metropolis—I might appeal to the country Gentlemen, who have made this law, so materially affecting the welfare of the poor, their especial care, to say whether the present law of settlement does not impose a grievous evil on the poor man throughout the country? I believe great and important alterations are about to be introduced—and they ought to have been introduced long since—respecting the law of settlement. I believe that under the present system the ratepayers are great sufferers, as certainly the poor are great sufferers; for when we consider that the poor are continually travelling about the country in search of employment, and that if a reverse overtakes them, and they become chargeable upon the parish, they are frequently sent hundreds of miles to be relieved in what is said to be their own parish—that is, the parish in which they have only a legal settlement, and not that in which they have a natural claim for assistance, and where they might naturally look for that relief and benefit which the poor-law promises to give to the poor man throughout the country—I say, when I consider this, I rejoice that the law of settlement is about to be revised, and I trust that if it be not entirely abrogated—for I do not know the extent to which the views of the Government go on this subject—but I hope that the measure to be proposed is one which will render justice to the poor man, while it will avoid the imposition of unnecessary expense upon the ratepayer. I will allude but very briefly to the last topic but one in Her Majesty's Speech with respect to the alteration suggested with regard to

*Mr. T. Hankey*

the civil service. I believe that alterations may be necessary as to the mode of choosing the civil servants of the country; but until I know what the proposed measure is, I should be sorry to use towards it any expressions of approbation on the one hand, or of censure on the other. I confess, however, I do look at the measure with somewhat of apprehension, and I do hope that Her Majesty's Government will consider this—that if it is necessary to increase the efficiency of the public service, and obtain a larger share of talent for that particular branch of the service, they will also consider it right and proper that they should receive a larger amount of remuneration than they do at present. It is not just to expect more than ordinary ability if the salaries are to be kept down to the present ordinary level. I do not know to what precise ordeal it is the intention of the Treasury or the Government to submit candidates for public offices—whether all are to undergo it, from the highest to the lowest, or whether it is to be confined to those who enter the service. If, however, the intended measure can render the public service more efficient, no one will rejoice more than myself, and I am sure that a measure introduced with that object will receive the support of the House.

The last topic alluded to in Her Majesty's Speech is one which I approach with some difficulty, because I consider it one of the utmost importance—that is, the question of Parliamentary reform. I know that this question has occupied the minds of statesmen for a long period of years. It has occupied the attention of many persons who have highly approved of the alteration that was made by the great Reform Bill of 1832, but who are nevertheless satisfied that that Reform Bill must be still further improved and enlarged before it can be rendered as effective as was desired. The country at large look with anxiety for a great measure of reform. I do not know how far the noble Lord who will have charge of that Bill may be prepared to go; but I am quite sure that his anxieties and his energies have long been directed to endeavouring to produce a satisfactory result, and to satisfy the people of this country that their wants and their grievances should be redressed, while the principles of the constitution should not be altered in a way which he considers prejudicial to the interests of the country at large. If that principle is adopted and followed out by the assistance of this



House, I cannot doubt but that some means will be resorted to to prevent that extensive system of bribery and corruption which has disgraced almost every person who has been connected with an election in this country. This is an evil that applies as much to the elected as to the elector. It is to remedy this evil that the attention of the noble Lord has, I hope, been mainly directed. I regard it as of the utmost importance that the people of this country should feel that their wants will be considered by this House, and that even if war is to be apprehended, that such measures of reform as it may be wholesome and as it may be safe for this country to adopt, will be adopted even in times of difficulty, and will be carried out with as much efficiency as if these were times of much ease and much greater facility for managing the affairs of the country.

I trust the House will excuse the length of time I have occupied in endeavouring to express my feelings, which I trust are in accordance generally with those of the House. In conclusion, allow me to say that I feel strongly the position in which we are placed; and that it is of importance for this House to show to the country that it does possess great and expansive powers by which any calamity such as war may be met without imposing any great or unnecessary privations upon the <sup>active</sup> man. I do consider that we are in a <sup>position</sup> which may enable us if, unfortunately, we have to go to war, to do so with <sup>greater</sup> power, with greater means, and thereby with greater hope of bringing that war to a satisfactory conclusion, that at any previous period in the history of the country. It may be said that the armaments and fleets of this country are small. But they are capable of being increased to any extent that the exigencies of the country require, and I am quite satisfied that our soldiers and our sailors are now in as efficient a condition, and are as able and as willing to fight the battles of this country, as they were in the times of Nelson and Wellington. With these feelings, I trust this House will adopt with unanimity the proposal which has been submitted to it by the noble Lord.

MR. SPEAKER having read the Address as moved.

MR. BAILLIE said, that it was not his intention to trouble the House by entering upon the discussion of all the various topics which had been adverted to in Her Ma-

jesty's most gracious Speech. He should endeavour in the few observations which he felt it his duty to make to the House to confine himself to that topic which was beyond all others interesting to the people of England at the present moment, because it involved the honour, the character, and the integrity of England. He, of course, alluded to the question of the manner in which our foreign affairs had been conducted during the last twelve months. But, perhaps, it might be said that this was not a fit opportunity to enter into any discussion upon the subject, and that they ought to wait patiently until Her Majesty's Government should have laid the papers containing full information upon the table of the House. He (Mr. Baillie) was not of that opinion. He, for one, did not coincide in that opinion, for he thought that when a question arose which touched the honour of England, the sooner it was discussed in that House the better. And as for information, they had quite as much information upon the subject—not official information, he admitted, but information from other sources which could be depended upon—quite as much as they were likely to receive from a blue book carefully prepared to conceal all that the Government might feel anxious to suppress. He did not make that observation with a view of throwing any taunt upon Her Majesty's present Government. He spoke from experience, and from his knowledge of the manner in which those documents relating to our foreign affairs had hitherto almost invariably been prepared for that House. Now, he was not one of those who thought that blame attached to Her Majesty's Government for their earnest and anxious endeavours by diplomatic agency to avert the horrors of war. He did not believe that, had they in the first instance pursued a bolder course, it would have been a more successful one; or that, had they intimated to the Court of Russia that they would have regarded the passage of the Pruth as a declaration of war, that would have been a course which would have tended to avert, but rather to precipitate hostilities. So far, then, as those early negotiations were concerned, he was ready to do full justice to Her Majesty's Government for their earnest and anxious endeavours to secure the peace of Europe. But he confessed he did regret that Her Majesty's Government should have so far yielded to the popular cry as to have adopted in the first instance, that antiquated theory which, by some, had been

called the traditionary policy of this country—that is to say, that they should have adopted and acted upon the principle that it was necessary for the safety of this country, as well as for the maintenance of the balance of power in Europe, that the blood and treasure of the people of England should be expended for the purpose of maintaining in all its integrity, and he must also add in all its deformity, the tottering fabric of the Turkish Empire. What had we to do with an antiquated traditionary policy? If it were antiquated and traditionary, the probability was that that policy was inapplicable to the existing state of things. But perhaps he might be asked—was he prepared to allow the Russians to take possession of Constantinople? He would not for a moment admit that a policy of non-interference, had it been adopted in the first instance would have led to any such result. He believed that it would have had a directly contrary effect. If, for example, Her Majesty's Government, as soon as they received the intelligence of the arrival of Prince Menschikoff at Constantinople, and had become aware of the nature of the ultimatum of which he was the bearer, had forthwith openly intimated to the Turkish Government that the people of England were not prepared to go to war in order to maintain the integrity of the Ottoman Empire, and that whatever course the Turkish Government might pursue must be adopted without reference to any aid or support from England—if such an intimation had been given, he believed we should have heard no more of war, and the whole question would have been speedily settled. The demands of Prince Menschikoff would have been accepted, and the fate of the Ottoman Empire would have been indefinitely postponed. What, he should be glad to know, would they gain by a bloody war, further than putting off for a season the impending fate of the Ottoman Empire. True it was that Her Majesty's Government, at a later period, did instruct the Ambassador at Constantinople to urge upon the Porte the acceptance of a proposition suggested by Austria; and this was a circumstance to which he wished to call the attention of the House. When Lord Stratford de Redcliffe waited upon the Turkish Minister, in order to enforce upon the Government of the Porte the necessity of agreeing to that Austrian proposition, he candidly admitted that he was himself aware that the Austrian proposition vir-

*Mr. Baillie*

tually conceded all that Prince Menschikoff had demanded. Now, that, in his opinion, was an extraordinary admission for an Ambassador to make, who for a few weeks previously had advised the Porte to reject those demands to which he subsequently used his influence to induce her to accede. That was a circumstance which clearly showed that the policy of the Government by whom Lord Stratford de Redcliffe was employed was, to use the least offensive phrase, extremely vacillating. But more than that, it proved two things. First of all, it proved that Her Majesty's Government had never for a moment been deceived by that Austrian proposition; they perfectly understood its meaning and import, as their Ambassador advised them; and, secondly, it proved that they were prepared to sacrifice the interests of Turkey, and even the honour of England, provided they could do it cleverly and adroitly, and without being found out. Fortunately, however, for the honour of England, the time had gone by when any such proposition could be accepted, and in the interval between the first arrival of Prince Menschikoff at Constantinople and the period to which he referred, when that Austrian proposition was submitted to the Porte—in that interval the Government of Turkey had succeeded in rousing the religious fanaticism of their people throughout the whole length and breadth of the Empire, and those tempests which at first would have been faintly admitted, had the Porte not been advised to the contrary by the English Ambassador, by the time to which he alluded could no longer be submitted to the Divan without shame and dishonour. Now, before they went further, it was right that the House should clearly understand what was the course that Her Majesty's Government adopted when they first received the intelligence of the arrival of Prince Menschikoff at Constantinople, and the demands of which he was the bearer. He said it was necessary they should clearly understand this, because he was prepared to show that the course pursued by the Government placed this country in a false position, from which all the turnings and twistings to which they afterwards had recourse had not been sufficient to rescue her. It might be said that there was no official information before us on this subject; but still, as he said before, they had sufficient information to guide them, and he thought he did not err when he said that although on the 21st of May the Am-

bassadors of the four great Powers did, in a formal and official note, decline that any advice should be given to the Porte as to the demands of Prince Menchikoff, yet that unofficially the Porte was advised by Lord Stratford de Redcliffe to resist those demands, and publicly he declared his entire approbation of the course which the Turkish Government had pursued in rejecting those demands. Shortly after that, a declaration was made by the noble Lord the Secretary for Foreign Affairs in his place in Parliament, by which he at once made known that England was determined to resist any aggression upon the Turkish Empire, and, if necessary, to go to war in order to defend the Porte. Now, it was but natural to suppose that the Turkish Government would have no hesitation, with such an assurance as that, in resisting and defying the power of Russia. That was the natural consequence—the inevitable result. But what then became the position of England? From the moment that assurance had been given to which he had referred, England became a party to the war. From the moment that assurance was given, England was morally bound to aid and support Turkey in the struggle against the Czar, whatever might be its result—whatever the consequences to which it might lead; but with this signal disadvantage, that England was unable to control the events in which at any time she might be called upon to take an active part. She might be called upon by Turkey to come forward and to declare war against Russia, and she would be unable to resist the appeal without sacrificing the honour and the character of the country. He did not believe there was a man in that House, be he a member of the Peace Society or be he not, who would be prepared to assert that, under the circumstances to which he had referred, it would have been possible for England to desert Turkey in the hour of danger, or in a cowardly and dastardly manner to sneak out of the engagements under which the Government had come. But what was then the course pursued by the Government? From that time Government appeared to have been afraid to take that line which the policy they had deliberately adopted, imperatively called upon them to follow out. They adopted a war policy, and yet they refused to declare war, even when the honour of England called upon them to do so; for he would maintain that it was a blot upon the hon-

our of England that our ships should have been idle at Constantinople, after having promised our support and aid to the Turks, whilst it was notorious that the Russian ships were blockading all the Turkish ports, and sweeping their ships from the Black Sea. Did the Government suppose all they had to do was to make a moral demonstration of force, and let our ships sail up the Bosphorus and down again? Or had their half measures been so successful in India as to justify them in resorting to them at the present crisis? They had but to look at the conduct of the Burmese war, where the weakness and folly of half measures was so signally manifested—that war undertaken without just grounds, carried on without vigour, and eventually relinquished without any sufficient guarantee for the future—if in fact that could be called concluding a war—which consisted in withdrawing troops to fortified places, and leaving the unhappy inhabitants of the country, whom we had led to expect our protection, to the mercy of an infuriated enemy. Such had been the consequence of Ministerial imbecility in India, and the result would be another Burmese war, carried on in all probability by a new Governor General, but against an enemy far better prepared to meet us. But it had been said that lately Her Majesty's Government had determined to take more decided and vigorous measures; and if report spoke true, the change of policy had been accelerated by the determination of the noble Lord the Member for Tiverton (Viscount Palmerston). He trusted it might be true, and it would not be the least of those services which that noble Lord had rendered to this country, and much as he valued the services of the noble Lord in the position he now occupied, he believed he but gave expression to the general feeling of the country when he said it was one of regret that the noble Lord had not been Secretary for Foreign Affairs during the past year. He could easily understand that a Minister who depended for support in this House upon a body of Gentlemen who were members of the Peace Society, would be very much disinclined to go to war—that was natural enough; but he should have thought of that before he adopted a war policy. From that war policy there was no return. He (Mr. Baillie) knew that the war would be unpopular—whatever might be the general feeling and enthusiasm of

the country at the present moment, that war would soon be unpopular. It would be unpopular amongst a large class who entertained strong religious views on the subject, and who believed they could interpret the prophecies that the destruction of the Ottoman Empire was about to be accomplished, that Christianity was about to be spread over the world, and that Russia was to be instrumental in carrying out that consummation. He did not say these were his opinions, but he said that such opinions extensively prevailed, and where they did prevail they could not fail to make this war unpopular. He was disposed to take a political and not a religious view of the question, and he was very much mistaken if the people of England did not ere long find reason to regret the course which had been taken on this occasion, and the fatal rupture it had caused in those friendly relations which had so long subsisted between this country and Russia. He was much mistaken if the people of England would not some day find out that France, in possession of Antwerp, might possibly be a more dangerous neighbour to us than Russia, even in possession of Constantinople. Should such a contingency arise, Russia would not forget the course that England had taken on the present occasion. Her views would remain unchanged, and depend on it the religious feelings of Russia, he might say the religious feelings of Europe, would not long continue to endure that 12,000,000 of Christians should remain in subjection to the barbarous yoke of Turkey for no other object than that of maintaining the fanciful balance of European power. He would not dwell any longer on this subject, as there would be other opportunities of discussing it, and he should only have one or two observations to make with respect to that paragraph in Her Majesty's Speech which adverted to the question of Parliamentary Reform. And here he would wish not to be misunderstood—he did not wish to shirk the question of Parliamentary Reform. He should be ready, when the proper time came, to give his support to a measure which might apply an effectual remedy to the abuses which existed in our electoral system; and perhaps he might go further in this respect than some of the Members of Her Majesty's Government. But no fear of a popular outcry should deter him from the postponement of the discussion of a question calculated to excite internal turmoil and trouble at a time

*Mr. Baillie*

when we were on the very eve of a dangerous war. And let not the Government suppose they could avert the unpopularity which attached to an unsuccessful foreign policy by plunging the country into a sea of danger and confusion at a moment when it was so desirable that all classes in it should unite to support the Government and the Crown in the arduous and difficult struggle in which we were about to be engaged. The people of England might or might not take a deep interest in the extension of the electoral franchise; but of this he was sure—that they would take a far deeper interest in that cordial union and co-operation of all classes of the community, without which it was vain to expect that they would be able to maintain the honour of the Crown, or to preserve the ancient fame and glory of this great Empire.

MR. BLACKETT said, he would not attempt to follow the hon. Gentleman who had just spoken in the observations he had offered on the subject of the foreign policy of this country. He was quite ready to acquiesce in the general wish of the House that that discussion should be postponed until they had studied the papers which were shortly to be laid before them, in order to enable that House to form a judgment on the question. But he wished to take that early opportunity of uttering a respectful protest, and expressing his deep regret at the silence in which Ministers had thought proper to envelop the negotiations which had taken place in reference to Turkey. He believed it was the general opinion of the country that by that conduct the Government had shown an unfortunate want of confidence in a community which certainly had shown no hesitation as to confiding in them, and he must say that the occupants of the Treasury bench, themselves the responsible Ministers of a free people, were bound not to shrink from that measure of publicity which was courted by the despotic agents of the Emperor of Russia. He did not know on what grounds the noble Lord the Member for London would defend their policy this evening, but he recollected that last Session the noble Lord said he was only following the usual practice of this country on such occasions. He believed, however, it was not strictly accurate to say that this had been the uniform practice of the English Government, as Sir Robert Peel's Administration, for instance, in 1843, pro-



duced papers on Servia whilst the negotiation was actually pending; and the noble Lord the Member for Tiverton (Viscount Palmerston), not satisfied with this concession, actually moved for additional papers on that subject, thereby giving the high sanction of his authority to the practice which he lamented to see neglected on the present occasion. But the noble Lord the Member for London might further recollect that there was scarcely any unconstitutional practice for which he might not find a precedent in the past times of Parliament, and also that in the other departments of the State, publicity was, year by year and day by day, becoming more and more the practice of our constitution. He did not think there was any more weight in the noble Lord's appeal to the example of Mr. Pitt and Lord Castlereagh, than there would have been in the fact of a Minister of one of the Stuart Princes following a precedent which had occurred under the Tudors. He had not the slightest wish to anticipate the discussion which must take place when full information should have been laid before the House; but he must say he thought that this concealment had already been productive of very calamitous effects. By the want of any hearty co-operation between this country and the Government, we had afforded to Europe the spectacle of a nation doubting and distrusting every step taken by its rulers in a policy which, so far as present appearances went, had not been marked by any singular success, which was exceedingly capable of doubt and misconstruction, and which had not received any great elucidation from the meagre and characterless sentences which commenced Her Majesty's Speech. Next, he thought, that, by pursuing this practice of secrecy to an extreme on which former Ministers had scarcely ever ventured, the present Government had broken what might have proved a very valuable weapon in their hands, and that the very name of diplomatic secrecy had become so loathed by the country that the least mention of it would be actually scouted on the next occasion when the necessity for its exercise might arise. But, above all, he lamented other consequences to which this silence on the part of the Government had led, and to which he would not allude further than to say that it was to their policy of secrecy they owed those wild apprehensions, those exaggerated rumours, those suspicions and jealousies which were the natural growth

of a community starved of any authentic information, and deprived of legitimate expression of opinion of its own.

COLONEL SIBTHORP said, he did not think it possible for any Member of that House, who had not the means of examining and analysing the statements of the Speech, to give them that consideration which was necessary, or to make those observations which might suggest themselves on each of the subjects comprised in it. He hoped there was no man in the kingdom more disposed than himself to treat the Speech with that reverent attention which it had a right to command from a subject—for he had ever looked on the Speech from the Throne as not the Speech of the Sovereign, but as a sort of *omnium gatherum* or *olla podrida* sort of thing got up by the Government in order to conceal their own feelings, or, if he might use that historical expression, their own iniquitous proceedings. He always looked upon a Government speech with that degree of jealousy and suspicion that he was disposed to say he did not believe one word of it. He had heard the hon Member for Inverness-shire (Mr. Baillie), whom no man more highly respected than himself, say he did not think that a bolder course taken by the Government in their foreign policy would have averted the evils which their actual proceedings had produced. Now he believed that greater political cowardice had never been displayed by any Government than by the present; and he could not help saying that he thought the sacrifice of life which had occurred ought to be laid to the doors of Her Majesty's Government. Had they pursued a becoming policy, avoiding all the vacillation which had marked their proceedings, and exhibiting proper courage and determination, what had occurred might have been averted, and a recent massacre might have been prevented. He only wished the noble Lord the Member for Tiverton (Viscount Palmerston) now filled that office which he had long held with so much credit to himself and so much satisfaction to the country. He was confident that in that case they would not have witnessed such a lamentable exhibition of imbecility, for the noble Lord knew how to act, and knowing how to act, he would have done so efficiently. He (Col. Sibthorp) was told that the papers would be laid on the table of the House. When they came what would he see? He would see garbled statements from begin-

ning to end, full of trickery and of falsehood. But that they would discuss hereafter. He hoped an opportunity would be given—for they would have it out. They were told something about another reform measure, but they heard not a word of the reform which, he ventured to say, the country thought more wanted than any other—a reform of the Treasury bench corruption! Yes, a small man like himself might give a shilling to a poor person, and that would be called bribery and corruption; but a Minister, too fat, too lazy to act, who scarcely knew where his office was, and was indebted to his clerks for all the information he could lay hold of, would have no scruple in telling an elector—"If you don't give me your vote in the City of London, your cousin shall not hold the situation he wants, for none of those who refuse me their support shall share my patronage." He would tell the noble Lord he never paid or bribed any man to vote for him, or offered any recompense for support. Let reform begin where it ought to begin—let not the Treasury bench escape—let not that which was impure be called pure. He had no objection to a proper reform, but he wanted light to be let in upon the back stairs and by-passages of office, and places full of corruption to be cleansed. He hoped the house would demand time for a full consideration of the new Reform Bill, and take care how they dealt with the Government measure. The noble Lord (Lord John Russell) had told them he was against war. For his part, he (Col. Sibthorp) was for war; he hoped we should have "a war;" and still more, he hoped the Turks would give the Russians a downright sound beating. These were his warmest wishes, whatever secret intrigue might take place—for there was some apprehension, some suspicion of that; but he hoped they would be able to untrammel the whole matter, to unearth the snake and strip him of his fangs. Something had been going on which ought not to have gone on, and the people believed it.

SIR ROBERT PEEL said, he was happy to see that there was no intention to oppose the Address which had been moved in answer to the Speech from the Throne on the present occasion. But he maintained that the time was come when they should speak out frankly and freely the opinions they had formed; but if any inference could be drawn from the obser-

*Colonel Sibthorp*

vations addressed to the House in the course of the debate, it was that almost all opinions agreed as to the manner in which Her Majesty's Government had discharged their duty since Parliament last met. Grave events had occurred—he spoke, of course, with reference to the topic which pre-eminently excited public attention at the present moment—and he, for one, was prepared unhesitatingly to express his unqualified disapprobation of the mean and subtle hypocrisy which had characterised the proceedings of Russia during the whole of her transactions with the Porte; and he could not avoid, in the first place, at the very outset remarking upon the shallowness of the reasoning which would endeavour to place the conduct of the British Government in odious comparison with that of France. An impression had been said to exist that we had not been as prompt as France in expressing our dissent from the aggressions of Russia—that we had not acted with that loyal and frank bearing which so well became the character of this country, or upheld so firmly as France had done the authority of international law. Nothing could be more fallacious, or give greater proof of a factious spirit of opposition, than to endeavour to cavil at in England, and applaud in France, a policy which, whatever had been its merits, was in fact identical. Once before, during the last twenty years, we have had an Eastern dispute, when M. Thiers was Minister. Then we were opposed to France, but it was now matter of rejoicing to see the two leading countries of Western Europe acting in unison to oppose the overbearing and soul-debasing policy of Russia; and although France and England had equal interests at stake in adopting the only policy which could secure the independence and the integrity of the Ottoman Empire, yet he thought it the fairest proof of social improvement to see nations which had so long regarded each other with envy and distrust, now co-operating harmoniously and loyally. He knew nothing of the truth of the insinuations thrown out as to influences being brought to bear on Her Majesty's Government, with the view of impeding its free action. Even if those influences had been exercised, he did not think they would have had any control over the independence or the morality of our public men. But he believed that Louis Napoleon, in resisting the influences which had

been used to induce him to separate from us, had the proud satisfaction of feeling that he had strengthened the fabric of his own Empire; and that not by war or violence, but by ministering to the interests of Europe in endeavouring to uphold peace. If they looked back to the policy which this country had followed for several years, namely, in 1827, 1829, 1830, 1831, 1840, and 1841; and then compared it with that of the past year, for instance, he maintained that the policy, the line of conduct which they had displayed in acting with France, far from having exposed the Government to any amount of blame, had been the only popular one, and that which was the best calculated to secure the independence of the Ottoman Empire. Our true interests and a sense of justice ought to induce us to maintain that policy. We were now in the same position as we were in 1823; when Lord Grey, in answer to a discussion in the House of Commons in reference to Spain when attacked by France, said; "Our interests and the sense of justice—if interest and justice can be separated—induce us to maintain the independence of Spain;" and precisely the same considerations, the same sense of justice, ought now to move us to maintain the independence of the Ottoman Empire. He read an admirable speech the other day of the hon. Member for the West Riding (Mr. Cobden) in which he said, this was a war of sympathy. He (Sir R. Peel) thought that was altogether an erroneous impression. No Englishman would support such a war on the ground of its being a war of sympathy with the Turks, for we had no sympathy either with their religion or their social condition. He thought it was evident to every one that the state of Turkey was altogether antagonistic to the state of European civilisation. But, looking to the present posture of affairs in the East, we had considerations in this dispute which it would be impossible for our Government to disregard with dignity, or to shun with credit. It had been said by the hon. Member who spoke next after the seconder of the Address in answer to the Speech from the Throne, that this was an antiquated policy; and truly so long as there was a chance that the peace of Europe would not be disturbed, we took no active interference in this matter. The hon. Member for Inverness-shire (Mr. Baillie) said the Government had pursued an antiquated

policy. He cared not whether or no it was an antiquated policy, but this he knew, that it was the policy which this country had followed since 1815. Let the House recollect that every page of the history of the last war taught them a lesson which it was now the time to profit by; and God forbid that this country should ever again consent to run headlong into the disputes of other nations, unless they became an object of solicitude to European Cabinets! Why, that was the policy which Castlereagh proclaimed in 1820, and which Canning adopted in 1822; and, antiquated though it might be, it was still that policy which would secure the greatest amount of public support in this country. There might be those who would be inclined to find fault with our alliance with France, as intimating a throwing over of Prussia and Austria; but he thought that was altogether a false position. We united with France because it was our natural alliance. He should like to know if we had always had such confidence in alliances with Prussia and Austria as now to induce us to reject an alliance with France? Why, what was the first Power which separated from the general European coalition of 1795, and that, too, notwithstanding it was subsidized by England? Why, it was Prussia; and, although in intimate connexion with Austria, it entered into the treaty of Basle, which opened a door to the armies of France and Austria, and tended to the annihilation, in the early part of this century, of that Power. But observe a very remarkable feature in this matter with regard to Russia. It was evident that the policy of Russia had along been to separate France and England, because it was well known that while such an alliance existed we were effectually barring Constantinople from the grasp of the Czar. If the House had observed the history of the Turkish Empire of late years, they would have seen how on every occasion Russia had advocated a policy tending to dismember the Ottoman Empire, and how on every occasion that advice had always been turned to advantage by Russia. He would take three instances—the establishment of the kingdom of Greece, and the destruction of the Turco-Egyptian fleet at Navarino. What did that lead to but the Treaty of Adrianople in 1829, which gave power to Russia in Moldavia and Wallachia? Again, in 1831, Mehemet Ali was urged on by Russia to revolt from the Porte; and what did that lead to but

the Treaty of Unkiar Skelessi in 1833? Then, again, in 1839, there was the proposal to give to Mehemet Ali the pachalic of Acre and Syria, and to make Egypt hereditary in his family. All those movements were urged on by Russia, evidently to serve its own interests; but he thought the alliance between England and France would put a stop to similar proceedings in future. He thought, too, the time was past when we could any longer permit the exclusive claims of Russia over the Ottoman Empire. If interference of that kind was required, we had a right to see that that interference should not be limited to the action of one, but embrace the action of all. When the Emperor of Russia talked of exclusive rights over the Greek Church, he (Sir R. Peel) should like to know if the Greeks were so very enthusiastically in favour of the advent of such a protectorate? No, indeed, they well knew that Russia would not only destroy their independence and their liberty, but moreover the fusion of the Greco-Russ faith was absolutely impossible; for there were doctrines which the Greek Church had held from time immemorial, such as concerning baptism, for instance, doctrines which the Russian Church entirely rejected. And yet the Czar appealed to the sympathies of his slaves to urge him on to this war to back his ambitious lust. He (Sir R. Peel) thought the Emperor of Russia seemed to have in view a very well-known saying of a Pope of Rome to the Emperor of Germany, when he was now endeavouring to obtain such immense power over the Ottoman Empire. The Emperor of Germany said to Gregory VII., "Pay attention to the spiritual concerns of my people, but do not trouble yourself with their temporal affairs;" to which the Pope craftily replied, "When once we are master of the spiritual affairs of a people, it is all very easy to control their temporal affairs." That seemed to be the end which Russia was aiming at in her sympathy with the Greek Church. Then let the House mark how all along, even up to the destruction of the Turkish fleet at Sinope, Russia had talked of "pacific intentions." In fact, the Emperor of Russia had never ceased to talk of "pacific intentions; but he apprehended the House knew very well what those pacific intentions meant. They had an exact parallel in history. In 1733 Russia crossed the Vistula with similar pacific intentions towards Poland, to those which,

*Sir R. Peel*

no doubt, she felt towards Turkey at the present time; and what did that lead to? Why, to the sending of a French army of 80,000 men, under Marshal Berwick, to the Rhine. The House also knew that it was the profession of "pacific intentions" which led to the rupture of the Peace of Amiens. The truth was, that those "pacific intentions" had been intended to lull this country into apathy and indifference, and he thought it spoke well for the Government of this country that such had not been their effect up to the present moment. Moldavia and Wallachia had of course fallen into the hands of Russia, as might have been expected on the first outbreak of hostilities; but too much stress need not be laid on that circumstance, except so far as it indicated the savage brutality which had characterised their occupation, and had probably alienated every spark of sympathy for Russia which might have lurked in the bosoms of a portion of the inhabitants. But, apart from the occupation of the Danubian Principalities, which the geographical features of Europe would in any case have hindered the Western Powers from preventing, not one inch of territory had been gained. The Danube still flowed to separate the two contending armies; and he believed not one single inch of territory had been acquired in Asia. He maintained, therefore, that there was no ground for asserting that our Government had been lulled into apathy; but surely, while there was a chance of the adjustment of those differences, we were following the interests of this country, and were actuated by a sense of justice, in endeavouring by negotiation, to further that adjustment. But, turning from those scenes of war and violence in the East, what a gratifying and pleasing task it was to refer to the commercial prosperity and social well-being of this country, which was so properly noticed in the Speech from the Throne. It was true that last year was one of extraordinary promise at its commencement, but that promise was not realised at its close. It was true that articles of the first necessity had greatly risen in value. The article of wheat, for instance, since May last, had risen from 35s. to 40s. a quarter above its then price, and the rate of discount had risen from 2½ to five per cent. The rise of 1 per cent, indeed, in the rate of discount almost produced a sort of panic in the French trade; but this country remained in a state of the soundest



health and prosperity—thanks to the sagacity and prudence which had placed us in a sound financial position. But this discount had now risen from  $2\frac{1}{2}$  to 5 per cent. What was the consequence? In spite of all this, the state of this country was sound and vigorous, and gave proof of a healthy development, which was the best proof of the strength and elasticity of our resources. He might be allowed to contrast that state of things with what existed ten years before. Ten years before, we found diminished consumption, an unhealthy state of the revenue, and impoverishment and distress in the manufacturing districts. What did we find now? The returns of the revenue disclosed the gratifying fact that by our industry we were carrying on an enormous trade to the extent of about 90,000,000*l.* of exports, being 16,000,000*l.* more than last year, and that trade was not recklessly carried on, but firmly based on a good footing. We were not, at all events, in a financial condition like that of “our ancient ally,” as some liked to call Austria, for we had a surplus income over expenditure. And what was that owing to? It had been justly ascribed to that system of commercial freedom which had opened up new channels of trade and navigation between this country and every country in the world. What greater homage could be paid to that policy than to see foreign countries marking the increase in our prosperity, and deducing therefrom the wisdom of removing those restrictions which pressed upon the springs of their industry and hampered their commerce? Take the United States, France, and Belgium. The United States, he understood, had just prepared a list of articles for free admission. France, he found, had not only lowered the amount of duty on coal and iron, but had admitted cotton free, from British possessions, into Europe, and also the free importation of corn. He believed Belgium was doing the same thing. That was the proud homage which was paid to our policy, and he had every reason to believe and to hope that that policy would be carried out by the Chancellor of the Exchequer to the broadest limits in a free, liberal, and enlightened spirit. And, moreover, this prosperity had not been confined to Great Britain, but, what was a very unusual circumstance, it had crossed the Channel, and linked Ireland to its car. It was the first time for a long period that no mention had been made of Ireland in a Speech from the

Throne—it was a happy distinction. It was a proof that there were men in that country who were turning to good account resources which had heretofore remained inactive and undeveloped. As the Recorder of Dublin said the other day in an admirable speech, “We have now found the true agitators—men who will stimulate native industry and develop the resources of our country for the public good.” But he thought some allusion ought to have been made to the main source of all those benefits to Ireland—he meant the operation of the Encumbered Estates Act. That Act had now been in operation four years, and within that period 1,500,000 acres of land had been disposed of for the sum of 10,400,000*l.* That was not only the introduction of fresh capital, but it was a vivifying of the very soil of Ireland, and making it more productive than it was before; and yet with all that prosperity in England and Ireland, it was lamentable to think that there was an outcry against capital going on in Lancashire and some of the midland counties. It required not a moment’s reflection to see that this outcry against capital was at variance with, and must seriously affect, the intelligence and industry of the country. There were thousands of men in his own neighbourhood and in the midland counties out of work, misguided, as he apprehended, and misled. They were told they could live on the wages of others, and that they could now wage war against the manufacturers. It was lamentable to see those men led away by those who were pandering to the worst feelings of human nature. He saw there was a meeting yesterday at the rooms of the Society of Arts, held with the view of settling this question. Would to God that this could be settled! Would that those men could see that, as in 1826 and 1831–32, those strikes must now, and always, end in disappointment! But it was certain, if those men—either masters or men—thought they could by arbitrary decisions control the standard of wages, all our influence would be gone, and we should lose that position which we held as the greatest commercial and manufacturing country in the world. But he was glad to see, by the Speech from the Throne, that the noble Lord (Lord J. Russell) was prepared to grapple with the question of education. [*Cries of “No, no! education is not mentioned.”*] He (Sir R. Peel) had applied several times at the proper depart-

ment for a printed copy of the Speech, in the usual way, but had been unable to obtain it. He had understood there was some allusion to education in that document, and he was now sorry to learn that it was otherwise; but he had been given to understand that the noble Lord was pledged to a measure which might at this moment have been productive of great advantage. He thought nothing was more desirable than that the condition of the poorer classes of the population should be ameliorated by some healthful system of popular education for their children. He had a letter the other day from a gentleman in Lancashire showing the necessity of education among that class of the people. His correspondent stated, that in the parish in which he was resident, containing a population of about 25,000, forty-five out of fifty-five of the men and women who came to be married were unable to sign their names. Surely that was a state of things which required a system of education on the part of a Government which was prepared to carry out measures of a liberal and enlightened character. With respect to the question of Reform, adverted to in the Speech from the Throne, for himself he was not prepared to support any sweeping measure of that description. He thought, when we were apparently on the brink of a European war, it would be as well to postpone the discussion of questions affecting the social condition of the country. He fully admitted there had been great corruption; and he would have the House punish by all means those boroughs which had been guilty of it. Let it do away with the "flag-bearers" of the borough of Cambridge, "the messengers" of Maldon, "the long-shore men" of the City of London, and "the two-and-sixpenny freemen" of Liverpool. Let it also do away with scot-and-lot voters and potwallppers, and give places like Staleybridge, Doncaster, Birkenhead, and the unrepresented parts of the metropolis, each a Member. That would be a measure productive of great good, which the country would appreciate, and one to the consideration of which they ought to proceed without delay. He hated war as much as any member of the Peace Society, and perhaps on the same grounds. He hated it, not only because it destroyed all the flourishing arts of peace, and placed obstacles in the way of social progress, but because it represented a retrograde movement. Surely a great commercial country like this, with all its vast and varied inter-

ests, would never rush headlong into a war. The Chancellor of the Exchequer, whatever might be the consequences of the past year, had the satisfaction of knowing that, without adding a single halfpenny to the burdens of the poor and industrious classes of the country, he had been enabled to equip and furnish the finest armament that had ever sailed on the waters of the Euxine. The hon. Member near him (Mr. Baillie) said that such a war would be unpopular. He (Sir R. Peel) maintained, on the contrary, that the people, having confidence in the policy of the Ministry, would be prepared to accept whatever responsibility that war and their duty might entail. At every stage of these unfortunate proceedings, he maintained, that we had shown a disposition to negotiate honourably. He gave his support to the Address in answer to the Speech from the Throne, and he was prepared on those grounds to support the policy of the Government. He thought he was speaking the sentiments of many, when he said that the people of this country rested satisfied that the apparent delay which had marked their interference in this momentous question, far from having sacrificed one iota of the national dignity, was proof of that temperate judgment and that wise discrimination which afforded the happiest test of the capacity of a Government.

Mr. HUME said, he was not prepared to enter upon the discussion of this momentous question affecting the East, till he had perused the documents which were to be laid before them. He had seen such contradictory accounts in the public prints, that he was quite at a loss to know what to believe, and, therefore, he was anxious to see the papers. He must be allowed to express the hope that, if war was necessary, the naval and military establishments of the country would be dealt with in terms of the recommendations of the various Committees who had reported on the subject of our armaments, and that none of the waste and extravagance would be experienced which had so much prevailed in past times. He hoped, also, that the true policy would be followed of raising within the year all that they required for war, without adding a single additional tax. He hoped to see removed from our commercial system all those impediments to our prosperity that still existed, especially as the House now saw how all the prophecies of evil from the changes which

had already taken place had been contradicted by the fact. With regard to the reform of the Ecclesiastical Courts, he wanted no half measures, but some such measure as had been introduced last year by the hon. and learned Member for Plymouth (Mr. Collier). He thought it was very much to be regretted that Government had not gone further in their career of reform with respect to the Ecclesiastical Courts, and more particularly that they had retained the Admiralty jurisdiction, which would be much better abolished altogether. There had been a number of meetings held in England and Scotland recently, at which a great desire was expressed for reformatory schools. The necessity of providing for our criminal population, in consequence of the abolition of transportation, threw on the community at large great additional burdens, and some means must be adopted to meet them. He asked the House and the Government to go to the root of the evil, and, by training up the young, and educating them carefully, to prevent them growing up in vice and inflicting the evils on society which necessarily followed. It had been stated by the hon. Baronet who last spoke, that forty-five out of fifty-five persons who came to be named could neither read nor write; and he had been informed by a coroner of experience that, in the country there were probably, on an average, only one or two persons on a jury who could sign their names. It was discreditable to the Government of this country not to have grappled with that important question of education ere this, and now that they could not transport convicts, and that the punishment of death was almost abolished—what could they do if they would not train up the poor while they were young, so that when old they might not be burdens to the State? He could have wished the Speech had contained allusions to our relations with the United States. He wished to have had some information as to how they stood as to the fishery laws and the negotiations into which they had entered on that subject. The hon. Baronet (Sir R. Peel) had stated that he was favourable to a union with France, and in that he (Mr. Hume) entirely concurred; but he wished to see the union between England and the United States equally strong, and all the petty differences which had existed between those two great nations entirely removed. He was sure the Government

could not undertake anything more important to the interests of the West Indian colonies and of the North American possessions than by setting at rest all the differences between us and the United States. Let them in all respects carry out the principles of free trade—other countries would be certain to follow them. They had been told that would not be the case; but day after day our example had its effect, and if Government carried out the principle he was quite sure of the result. He would only say one word on the subject of reform. He was very sorry to see that the hon. Baronet the Member for Tamworth had thrown out any doubts as to the necessity of reform. If there was anything which more than another would tend to the contentment of the country, it was to give the working man his proper value in the State—to let him know what was his duty and what were his rights—to give him his proper *status*—to let the constitution rest on as broad a basis as possible, and then he (Mr. Hume) was quite satisfied that the unfortunate disputes which had taken place and were going on in the manufacturing districts, which were so destructive to working men—for the masters could manage to get on, while the workmen were sure eventually to suffer—and which were so injurious to our trade and commerce, would be put an end to altogether. He hoped Government would take care there was a measure for the extension of the suffrage in their new Bill; and if the ballot, which he wished to try, could not be acceded to, let there be, at all events, some protection provided for the voter. They talked of their constitution, but at present it was so covered with corruption and bribery that every Englishman, instead of being proud of it, should be anxious to get rid of it. Nothing but protection to the voter would remove these evils, and he was satisfied if they afforded such protection to the constituency, the working men would have the importance they deserved, and would no longer be led away by men possessed of talent, certainly, but who seemed to apply that talent to obtain money for their own use alone. He should wait till Government had laid all the documents relating to the Eastern question on the table of the House, which would, he understood, be done at an early day, before he stated his opinion as to what had occurred. He must complain that the Speech,

owing to the fault of somebody or other, had not been printed and delivered as was usual to Members ere that discussion came on, and, therefore, he was ignorant as to its actual contents.

MR. LIDDELL said, he rose specially for the purpose of referring to that paragraph in the Speech from the Throne which related to a further change in the navigation laws. He was not prepared to say the Government might not have good grounds for recommending a Bill to be framed to open the coasting trade, and he begged leave to make a few remarks on a subject on which he would have been silent, had it not been for the allusions made to it in the Speech. The increase in the price of coals, mainly caused by the rise of freights, was, no doubt, one of the causes of the privations to which the people, and especially the inhabitants of the metropolis, had been exposed; and it was to be remembered that, not long ago, a strike was expected to take place in the north, which by the good conduct and sense of the seamen employed in the coal trade of those ports, had been prevented from assuming the character it might otherwise have done. He saw another reason for considering the propriety of opening our coasting trade in the fact that the United States had taken advantage of the present restrictions here to exclude British ships from the whole trade between New York as far as California, on the ground that it was a coasting trade—what they were scarcely warranted in saying—and that they must submit to be shut out, as our laws shut American ships out from the trade along our shores. But, while he made these admissions, he could not certainly go so far as to say with the hon. Member for Montrose, that the changes which had recently taken place in our navigation code had been productive of nothing but benefit, and had been attended with no evil or inconvenience. He had, ere he rose to speak on that occasion, determined to take the earliest opportunity of calling the attention of the First Lord of the Admiralty to the grievous losses which had been inflicted within a very short time on the shipping interest by many calamities which they had all so much to deplore—he meant the loss of the *Tayleur* and other vessels. It was to be feared from the evidence of witnesses examined at the coroner's inquest that the loss of the *Tayleur* was greatly attributable to the inefficiency of the crew. It was folly to say

*Mr. Hume*

that if liberty had not been given to British vessels to ship crews of that kind, many of them would have remained unemployed at home. It would be far better for them to remain at home till they got crews of efficient men, than to put to sea in such a state; and when the hon. Member for Montrose said no inconvenience had taken place from those changes in our laws, he begged to point out cases to show the contrary. He hoped when the Government recommended their Bill to Parliament, they would take steps to remedy those evils, especially with regard to emigrant ships; and he could assure them he, as the representative of the largest shipping port in the kingdom, and those who sat near him, would lend them the best assistance in their power to make it efficient. He could only hope Government would not close their ears to the representations of those most interested in and most conversant with the facts and merits of the question, but that they would listen to the reports of the different Chambers of Commerce, and the associations of ship-owners throughout the country, with respect to the alterations and amendments proposed. As to the Speech from the Throne in general, he might be permitted to say he did not think it had received in that debate the attention and consideration due to it. At no period since the peace of 1815 had Parliament ever met under circumstances of such gravity, or which might be followed by such important consequences as at present. In the sentiments of the hon. Baronet (Sir R. Peel), who had that night addressed the House with such eloquence, and he might say with hereditary ability, he entirely concurred. Far be it from him to find fault with the efforts of the Government, or to censure them for the patience and moderation with which they had conducted those long negotiations. But however that might be, he feared Her Majesty was but too well justified in preparing the House and the country for the results of the circumstances in which they were now placed. He believed that Russia, whose colossal power could scarcely be overrated, was, as yet, chiefly desirous of protracting the negotiation, in order that she might assemble her gigantic force on the borders of the Caucasus and the frontiers of Turkey, and, as no one had thought fit to allude to the vast power of that empire, and of the great Autocrat who controlled it, and as the war



was undoubtedly popular at the present moment—so much so, indeed, that the Government had incurred some unpopularity because they had not interfered more decisively by force of arms already—he did not think the time altogether unemployed, if, on the eve of a step of which no one could foresee the consequences, he directed the attention of the House, on *data* and authorities which he believed to be indisputable, to the actual amount of the Russian forces. Sir Archibald Alison said—

“ If Western Europe has little to fear from the rivalry of Russian art or the flight of Russian genius, it is otherwise with the imitation of the military art, which has been carried to the very highest point in the Muscovite armies. The army consisted in 1840 of 72 regiments of infantry, 24 of light cavalry, 90 batteries of foot, and 12 of horse artillery. Each regiment consists of seven battalions of 1,000 each, so that the infantry alone, if complete, would contain above 500,000 men. The guards, composed of the *élite* of the whole population, consist of 12 regiments of infantry, 12 of cavalry, 12 batteries of foot, and 4 of horse artillery. Besides these, there are 24 regiments of heavy reserve cavalry, and 12 batteries of reserve horse artillery, and the armies of the Caucasus, Orenburg, Siberia, Finland, and the Interior, containing 100 battalions of 1,000 men each, 40 regiments of cavalry, and 36 batteries of cannon. In addition to these, 164 regiments of Cossacks, of 800 horsemen each. If these forces were complete, the total would give 800,000 infantry, 250,000 horse soldiers, and 100,000 artillerymen. And even with all the difference between returns on paper and the effective muster, Russia could produce, when her strength was fully called forth, not less than 400,000 infantry, 100,000 cavalry, and 50,000 artillerymen for service beyond her own frontier, although the distances of the empire were so great that it would require more than a year to bring even the half of this immense force to bear on any point in Europe or Asia. Hence the principal armies were disposed in positions where they might be comparatively near the probable scene of military operations. The first army, 112,000 strong, was stationed in Poland and the adjacent frontiers of Russia. The second, also 112,000, was cantoned in the southern provinces, between Odessa and the Danube, and was destined to overawe Turkey. The third, 120,000 strong, was stationed as a reserve at Moscow and the central provinces, and was intended to reinforce either of the great armies on the frontier. In addition to these, there were 60,000 men, including the guards, at St. Petersburg, 140,000 in the Caucasus, or in the province of Georgia. These immense forces might all be rendered disposable without weakening any garrison or military station in the interior. They were, however, so far separated from each other that it required a long time to concentrate them on any one point, or to produce the imposing array of 160,000 warriors whom Alexander, in 1815, reviewed on the plains of Champagne.”

He alluded to these facts with a double object—first, to show that, whereas time

was necessary for Russia to bring up those enormous armies, it would be the height of folly and delusion to believe that these negotiations of Prince Orloff, or of any other mediator, were for any other purpose than for obtaining the delay Russia required; and, next, to put this country on its guard against being deluded by these negotiations, and to give a salutary warning to the people as to what they might expect when confronted with a foe of resources so great as he had stated. He believed he spoke in the unanimous sense of the British people when he said he had heard with pain and regret the language of the hon. Member for Inverness-shire (Mr. Baillie) on this question. He could not agree with one word that fell from that hon. Member. Whether it was on the grounds of a change from an antiquated policy, of the decay of Turkey, or of religious feeling, he hoped he never would be found abetting Russia in her nefarious schemes of aggrandisement and plunder. If Turkey was indeed to fall, he said boldly the time for its dissolution was not yet arrived. She had preserved the faith of treaties, and had admitted us to great commercial advantages, which could not be recklessly sacrificed by admitting the claims which Russia had put forward, at first, so insidiously, and next so violently. He believed he spoke the sentiments of the people at large when he assured the Government that any measure they brought forward to preserve the honour and maintain the security of the country would receive that support which was due to such a measure from every patriot. It was on that account he rejoiced, when he saw the carriage of the Turkish Ambassador drive through the park, and the people crowding round it with such feeling, for it showed how naturally their sympathies went along with an injured nation; and he was satisfied that whatever sacrifices might be required in aiding them would not be grudged by the large body of the people. It was fitting, however, that we should be prepared for the calamities in which a protracted struggle would necessarily involve this country. The question of peace or war did not rest with them. It was the prerogative of the Crown; but if the Crown should unhappily be compelled to declare war, it would then be the duty of the Queen's Government to go to that House and to demand from them, not only a ratification of their policy, but the contribution

also of those supplies which would be necessary to carry on the war. Upon a subject on which so much public feeling, national honour, and patriotism were concerned, it was essential that the Government should be able to appeal to a united people; and he thought therefore that they would have done wisely under present circumstances to postpone the question of Parliamentary reform. He was not going to commit his own opinion, nor did he ask others to commit their opinions to any Bill which they might propose; but if the measure of Parliamentary reform consisted solely of a proposition for enfranchising any non-privileged classes—simply of an extension of the franchise, by which the good feeling of the country would be only the more united, there might be fewer objections to such a proposition. But his apprehensions were that the right hon. Gentlemen opposite, in whatever measure of Parliamentary reform they might bring forward, would propose a Bill to disfranchise as well as to enfranchise. If it were intended to produce a new Schedule A, by which many boroughs which had now the right to return Members would be disfranchised, he forewarned the noble Lord the Member for London, that he would involve that House in a painful, protracted, and aeriminous struggle. He must tell the noble Lord that the moment when he demanded the co-operation of the House in their foreign policy, and called upon the people of England to vote the supplies that might be necessary to carry on the war, was not the time to throw discredit upon the people to whom he appealed, and to cast dirt upon the representatives of the people. Even if the noble Lord and the right hon. Baronet (Sir J. Graham) had given rash pledges, he thought that they would have done more honour to themselves, and would have evinced a truer sense of what was due to the feeling of the country, if they had withdrawn all notice of Parliamentary reform from the House; because one subject of grave and momentous importance was surely enough for this House to give attention to. He humbly thought, therefore, that the Government would have done much wiser if they had for the time sacrificed their feelings upon Parliamentary reform, and had given them another year to see what would be the probable result of the struggle upon which they were about to enter. If they looked for precedents for such a course, he could

*Mr. Liddell*

point them out one which, though not palatable, perhaps, to the noble Lord opposite could not but be of importance to the noble Lord the First Minister of the Crown, to the noble Lord the Member for Tiverton, and to the right hon. Gentleman the Chancellor of the Exchequer, who had been brought up at the feet of Mr. Canning, when he named the name of Mr. Pitt, and the conduct which he pursued upon a very parallel occasion to the present. It had been the fashion of the reform party to say that Mr. Pitt was not a sincere reformer. He denied such an assertion. He believed that the genius, knowledge of politics, and the powers of mind of Mr. Pitt, were such that could not but see the objections which existed to an unreformed House of Commons. What was the course which Mr. Pitt pursued in 1782? He first brought forward his Motion for Parliamentary reform upon the 7th of May, when it was lost by the small majority of twenty. In 1783 Mr. Pitt renewed his Motion, when it was lost by a larger majority. In 1784 that memorable conflict ensued between Mr. Pitt standing singly in that House against a coalition of parties, when, in the face of majorities against him, night after night he still retained the reins of power, and at last excited such a spirit in the country that he was enabled to dissolve Parliament and to meet the next Parliament with a good majority. In the new Parliament Alderman Sawbridge revived the question by moving for the appointment of a Committee to inquire into the state of the representation. Mr. Pitt supported the Motion, but it was lost by a majority of 68. Lastly, in 1785, Mr. Pitt, when First Lord of the Treasury, brought forward a well-considered, detailed, and specific plan of reform, moving for leave to bring in a Bill; but that Motion was lost by a majority of 248 to 174. This was the last effort which was made by Mr. Pitt to obtain a reform in Parliament; and the real and ostensible ground of his relinquishing that question was the altered state of our foreign relations, the terrible outbreak of the French revolution, and the engaging in that war in which Mr. Pitt saw that the whole strength of the country would be required in the operations of the field, and that it would be no wise policy to divide the country by a domestic question like that of Parliamentary reform. He very much desired that the present Ministry would

take an example from that patriotic conduct of Mr. Pitt. He wished that the noble Lord had had the moderation, forbearance, and courage, to state reasons such as these why he thought it necessary to postpone a measure for Parliamentary reform; for he believed, if he had done so, that he would have found an echo throughout the whole country. They might talk as they pleased; but he asserted that there was at present no dissatisfaction of any amount at the state of the Parliamentary representation, and no general demand for a change in that respect. Let them look at the meeting which had been held the other day in Manchester, the very focus of Parliamentary reform. Out of a population of 500,000, not above 250 persons assembled at that tea party. A gentleman was voted into the chair to introduce the subject of Parliamentary reform to the assembly, and he did so with a few statistics touching the proportions of what he called the "non-represented part of the community," upon the strength of which he had the modesty to claim no less than fifty Members for the county of Lancaster, or one-tenth of the whole representation of England. But though that meeting was ostensibly for the discussion of the question of Parliamentary reform, there was not a speaker among them who did not take the first opportunity to fly off at a tangent from that point, and the whole resolved itself into a discussion of the great and absorbing question of peace or war. That was almost the only meeting which had taken place in support of Parliamentary reform, and he believed that he was not only justified in saying that it was an uncalled-for measure on the part of the people, but that he sincerely believed, if the noble Lord said he would postpone the consideration of it until we could see a little more clearly what was the state of our foreign affairs, that there was not a man in that House, and scarcely a well-wisher to his country in the Kingdom, who would not feel as if a weight had been taken off his breast, and that he had been relieved of a great responsibility. He felt this matter so strongly that he rejoiced that he had had an opportunity of fairly stating it to the House. He hoped, though he had presumed to censure the Government, that he had not done so in language either unbecoming or acrimonious. He gave the Government credit for much that they had done under difficult circumstan-

ces. He did not mean to place embarrassments in their way by anything in the shape of factious opposition; but when a matter of policy so grave as that to which he had alluded might be fairly pointed out by a Member of the Opposition, he considered that he only performed his duty to the State and to his own conscience by boldly expressing himself and indicating the error which he thought the Government had committed, in the hope that they would do what they could to redeem that error while it was yet in their power. He did not think it necessary to move an amendment on the Address. Other opportunities would occur when these matters might be more specifically discussed, and, in the mean time, he was content with having brought the matter before the House and the country.

MR. SERJEANT SHEE said, he did not rise to disturb the unanimity which appeared to prevail upon the subject of the Address to Her Majesty. No doubt the Ministers had hitherto honourably endeavoured to preserve an honourable peace; and he doubted not that they would be supported by all parties in that House, and by the country generally, if, after their endeavours to preserve that peace had failed, they should prosecute the war with vigour, in order to arrive again at an honourable peace. He should be ready to consider all those measures of reform which Her Majesty's Ministers had announced to be in contemplation, and some of which appeared to him to be most worthy of the consideration of the House and of the country. He was exceedingly sorry to find that it was his duty to advert to what he considered to be a serious and unpardonable omission in the Speech from the Throne. He heartily wished that the distinction which that speech had obtained, according to the hon. Baronet (Sir R. Peel) by not mentioning Ireland, could with good reason and just cause be one worthy of imitation in other Speeches from the Throne. He did not know that England had any interest greater than the happiness and contentment of the people of Ireland, and he sincerely hoped that the time would come, and that it was not far distant, when a Minister would sit upon the benches opposite who would be brave enough, and honest enough, to give effect to his own deliberate convictions, and to redress the well-known grievances of the sister country.

It was not his intention to trouble the House with a detail of those grievances. He was happy to express his conviction that they were not very many in number, and that nothing was wanted for their redress, but a firm, honest, and courageous intention on the part of an English Minister to redress them. But there was one of those grievances to which he felt that it was his duty to advert. During the last ten years every Ministry had admitted the necessity of reforming the laws which regulated the relations between landlord and tenant in Ireland. Indeed, it would be impossible for any Minister not to admit that necessity, seeing that ten years ago the Report of a Commission had been presented to Her Majesty, from which it appeared that the people of Ireland were the worst clothed, the worst fed, and the worst lodged of all the people upon the face of the earth, and that in the great majority of the counties of Ireland some forty or fifty per cent of the inhabited houses were mud dwellings with only one room. Shocked and scandalized at that information obtained by a Commission, the members of which were above all exception, Minister after Minister, the Earl of Derby in the other House, and the Duke of Newcastle (then Earl of Lincoln), the right hon. Baronet the Member for Carlisle (Sir J. Graham), and the right hon. Baronet the Member for Cavan (Sir J. Young), in that House, had admitted the necessity of a reform of the law which regulated the relations between landlord and tenant in Ireland; but as yet nothing had been done. He could not forget that at the commencement of last Session, this subject formed a prominent portion of the Speech from the Throne, and that the late Government early in the Session, through the then Attorney General for Ireland, the right hon. and learned Member for the University of Dublin (Mr. Napier), laid upon the table of the House four Bills, which were in the main, as it turned out, well-considered measures, for the purpose of redressing that greatest, perhaps, or the greatest but one, of all the grievances of the sister country—the state of the law regulating the relation between landlord and tenant in Ireland. The right hon. and learned Gentleman explained at that time his code at great length. The Irish Members took some exceptions to it, which the right hon. Gentleman had the candour to admit were not indicative of any

*Mr. Serjeant Shee*

disposition to offer a factious opposition to such reforms as the late Government might wish to introduce upon that subject. The Bills were introduced, and the late Government was thrown out; but during the whole of the Session he had been under the impression that the present Government, represented upon this subject by the right hon. Baronet the Member for Cavan, was seriously and honestly intent upon effecting a substantial reform in those laws. He had watched the right hon. Gentleman and the Government, in the Select Committee, and in that House. They had sat six or seven weeks upon the subject upstairs. The four Bills were afterwards carefully considered in that House, and, with some amendments, they passed, in their main features, as they had been introduced by the right hon. and learned Gentleman (Mr. Napier). They were then taken up to the House of Lords, where they were read a second time. Surely, after that, he had a right to infer that this grave question of imperial policy was worthy the consideration of Parliament, and worthy to be mentioned in the Speech from the Throne, that the people of Ireland might know whether the Government were seriously intent upon giving them that reform or not. The hon. Baronet (Sir Robert Peel) informed them, that he attributed the absence of all mention of Ireland to the good effects of the Incumbered Estates Act. It was a very good measure, no doubt, but it was not sufficient to remove the evils which afflicted that country. The comparative prosperity of Ireland had arisen, not from that measure alone, but from the fact that its main industry was agricultural, and that prices had considerably risen. There was another reason for the apparent absence of discontent, and that was, that there had existed up to this moment a certain degree of reliance in the honesty and sincerity of the Government last year, and a belief that they really did intend to legislate beneficially upon this most important question. He was not hasty to arrive at conclusions, but he feared that all omission of the subject indicated a lukewarmness and an indifference as to whether it should be considered or not. If, however, there really did exist an honest intention to promote the reform of those laws, he entreated the Government not to let that evening pass without an assurance to that effect; not to let it be said, when the news of that



night's debate arrived in Ireland, that Her Majesty's Ministers, who had appeared so earnest last year, had forgotten their promises, and meant to take advantage of the rise in prices and the comparative prosperity of the country, to leave those laws in their present unsatisfactory condition. It appears from a most useful Report upon this subject, which had been prepared by an hon. and learned Gentleman in that House, that the state of the law in Ireland in this respect was not only different from the law in England, but from the law of every civilised nation in the world; and the hon. and learned Gentleman in that Report pointed out certain remedies which had been adopted in one of the Bills of last Session. He trusted that what the late Government intended to do, and what the present Government had obtained support from Ireland, on account of their supposed intention to do, had not now slipped their memories. He hoped they would have an assurance from the right hon. Baronet the Member for Cavan, that he had not spent all his time and anxiety for nothing last Session, but that he intended to resume his labours this Session, and to bring them to some useful and practical result.

SIR JOHN YOUNG said, he thought that the conclusion at which the hon. and learned Gentleman had arrived, that the Government intention of legislating beneficially on the subject of the relation between landlord and tenant in Ireland had been abandoned, was rather hasty. He was not aware that any indication had been given of such an abandonment. There had been an honest desire on the part of the Government to legislate in this matter, so as, while fully guarding the property of the landlord, to put the tenant into a better position; and the hon. and learned Gentleman did no more than justice when he supposed that such was the sincere wish of Her Majesty's Ministers. The Government took, as the basis of legislation, the measures proposed by the right hon. and learned Gentleman opposite (Mr. Napier). He, for one, would never hesitate to award to the right hon. and learned Gentleman the Member for the University of Dublin, the praise to which he was fairly-entitled for his share in these Bills. They were framed with great care, with admirable skill, and with a due regard to the interests of the landlord as well as the tenant. If the hon. and learned Member for Kilkenny

(Mr. Serjeant Shee) would, however, recall to his recollection what Her Majesty's Government had done in the last Session with regard to this subject, he would see that they had done more than they had promised. They appointed a Committee in which those who called themselves peculiarly the friends of the tenant-farmer, were represented in a much greater degree than they were in that House, or even, he believed, in the country at large. After much consideration the hon. and learned Gentleman's own Bill was rejected, and, what was thought the safer measure of the right hon. and learned Gentleman the Member for the University of Dublin adopted with a few amendments—amendments certainly not unimportant, which he had had the honour of proposing on the part of the Government, but which, though material, were yet rather details affecting the mode of compensation, and simplifying the machinery and complicated notices in the original Bill, than a change in its principle. No blame could be cast on the Government for the delay which occurred after those Bills left the Select Committee. On more than one occasion he offered those Bills to the consideration of the House; they were postponed, mainly, he believed, on the representations made by hon. Gentlemen friendly to them. When these were sent up to the other House, their Lordships did not consider they had sufficient time to deal with them, but they read them a second time, thereby affirming that they thought it right that the subject should be considered, and that they saw nothing in the Bills themselves which should prevent their taking them into consideration. There was, he believed, an agreement that the Bills should be revived this Session, that they should be fully considered by their Lordships, and then sent down to this House. He believed it was the intention of Her Majesty's Government to press for the accomplishment of that agreement, and that the Bills of the right hon. and learned Gentleman the Member for the University of Dublin would be introduced into the House of Lords, and afterwards sent down to this House for its consideration. This assurance, he trusted, would satisfy the hon. and learned Gentleman that the Government was perfectly honest in its intentions with regard to these Bills.

MR. DIGBY SEYMOUR begged to thank the Government, on behalf of his

constituents, for that paragraph in the Royal Speech which related to the removal of restrictions on the coasting trade. There was one fact which he thought it necessary to mention with regard to the increase of business at Sunderland, as being of national importance, and showing the general commercial prospects of the country. It was, that upon a comparison of the relative production of the shipyards of New York and Sunderland during the last year, he found that Sunderland had built sixty-five more ships than New York, with an excess of tonnage of 22,256 tons over that of New York. More than that, he believed that recent legislation had tended to increase the character, style, and size of the ships. The number of ships registered at Sunderland during the year 1851 gave an average of 211 tons, and for the year 1853, 219 tons; and the number of ships launched in the Wear during those two years gave the average of 355 tons for 1851, and 449 tons for 1853. He found, however, that while the foreign trade had increased, there had been some falling off in the coasting trade, and the effect of free trade had been, therefore, to give an impetus to the higher class of shipping in Sunderland, and to draw the attention of the shipbuilders there to the foreign trade. English ships engaged on the coasts would have a natural protection as compared with foreign vessels engaged in that trade, by the facilities which they would possess for the accommodation of their sailors in the home ports, and also in the nature of the coast navigation. The Government had, he rejoiced, made up their minds, by throwing open the coasting trade to foreign ships, to toll the last knell of protection; and the House and the people had reason to congratulate themselves that, whilst the Government took measures to preserve the dignity of the Crown and the security of the Empire, they were also mindful of bringing forward measures of a peaceful character and of a useful nature—measures tending to develop the energies, and to promote the prosperity of the nation.

MR. FAGAN said, he regretted very much to find from that sentence of the Speech from the Throne which referred to University reform that it was not the intention of Her Majesty's Government to extend that reform to Ireland. In his opinion much as reform was required in the Universities of England, it was called for

*Mr. D. Seymour*

doubly in Ireland. Her Majesty's Government had issued a Commission to inquire into the system of university education there, and the Report of that Commission had been placed upon the table of the House, and though no information was furnished as to the nature of the reform called for, still there was abundant evidence to show that Her Majesty's Government were bound when they proposed a measure of university reform certainly not to exclude Ireland from the benefit of it. It was well known that five-eighths of the inhabitants of Ireland were Roman Catholics, but they were excluded from the honour and benefits of university education. It was no argument to say that there were now in Ireland provincial colleges for the middle classes. The nature of the education in those provincial colleges was not so high as at the University of Dublin. He saw no reason why the Roman Catholics of Ireland should not have a right to the honours and benefits of their education as well as the Protestants. It was a matter of surprise to him that university reform had been confined to this country, and not extended to the sister Kingdom. He denied that the University of Dublin was an ecclesiastical establishment. It had been founded originally for the purpose of giving education to all the people of Ireland. If the Government did not introduce any Bill on the subject, he should himself during the course of the present Session propose to the House a measure which he thought would carry out the views which he, in common with the great mass of the people of Ireland, held on the subject. In conclusion, he must say that he concurred entirely in all that had fallen from the hon. and learned Member for Kilkenny (Mr. Serjeant Shee); and he thought the hon. Baronet the Member for Tamworth (Sir R. Peel) was not justified in saying that there was good reason for not alluding to Ireland in the Queen's Speech, while the relations of landlord and tenant in that country continued in their present state.

MR. HADFIELD said, he must beg to express his high gratification with that paragraph of the Royal Speech which related to the reform of the probate jurisdiction of the Ecclesiastical Courts. He believed there was scarcely a family in the whole kingdom who would not be interested in this great measure. He only regretted that the Ecclesiastical Courts were to be retained at all under any circum-

stances. He could not imagine that after these two important functions of which it was proposed to deprive them were gone, anything would be left worth retaining. Their duties could be undertaken by the existing Courts at Westminster, and he was confident that the people would prefer to see them committed to the Courts at Westminster. During a long practice in the law he had never heard these Courts spoken of by practitioners with anything but scorn and contempt. He knew not for what these Courts had existed except to create fees for official men; and, generally speaking, those men who enjoyed these fees—extracted from the orphans, widows, and bereaved families—were the descendants of dignitaries of the Church, entirely incompetent, in the opinion of the profession at large, for the requisite discharge of the duties. An influence was brought to bear in support of them in that House for which he could not account, but it was an influence stronger than that House—stronger than both Houses—stronger than the Throne itself. He had presented petitions in support of a measure which he himself had the honour of introducing on this subject last Session, signed by persons representing property to the extent of 100,000,000*l.*, and they complained in the strongest terms of the inconveniences and hardships which the Ecclesiastical Courts, in their present shape, entailed upon them. He certainly had understood the hon. and learned Solicitor General to hold out an intimation last Session that the Government intended to do away with probates altogether, and he regretted that this was not the case, for he saw no use for them except to increase the expense of wills.

MR. J. PHILLIMORE said, he was pleased to find that the Government had directed their attention to the question of reform of the Ecclesiastical Courts; but he must protest against the acrimonious tone of the hon. and learned Member who had last spoken. It was not his intention to enter into any elaborate defence of institutions for which the practitioners were not responsible, and which had long since been universally condemned; but when the hon. and learned Member for Sheffield spoke of the practitioners as being objects only of scorn and contempt, he could not refrain from saying that some of them were as distinguished as any which the annals of this country afforded. The names of Dr.

Lawrence, from whom Fox was glad to take advice—of the late amiable and accomplished Speaker of that House—of Lord Stowell, and of others to whom he did not wish more particularly to allude, should have induced the hon. and learned Gentleman to pause before he weakened a cause strong enough in itself by much unnecessary and violent vituperation. Before sitting down, he could not help expressing his regret that there was no mention in the Speech from the Throne of that cause which, after the cause of national honour, was the most sacred that could occupy their attention—he meant the great cause of national education. There was much in the Speech with regard to the education of the rich—there was nothing with regard to the education of the poor. Coupling that omission with the speech of the noble Lord opposite (Lord J. Russell) in answer to the question of the right hon. Baronet (Sir J. Pakington), and with the circumstance that Convocation, for some absurd purpose was to be allowed to sit for twelve hours—he supposed for the sake of doing mischief; it could do nothing else—he could not resist the conclusion that to the same spirit which dictated so absurd a proceeding as that, they must ascribe the total omission from the Speech from the Throne of any reference to the most important subject that could engage the attention of statesmen.

MR. DISRAELI: Sir, I think that the resolution to which it seems the House has come, not to enter into any discussion with respect to that great question of foreign policy which now agitates the nation until Her Majesty's Government have laid the documents relating to it upon the table of the House, is wise and judicious, and I will not attempt in any way to act in a different spirit. When Parliament was prorogued last autumn, Her Majesty informed us, She had reason to believe that the negotiations which Her Government were then carrying on would be crowned with success, and even immediate success. The noble Lord the Secretary of State for Foreign Affairs (the Earl of Clarendon) described, in the other House of Parliament, the character of the measures which he believed would achieve this desirable end. He stated, a few days before the prorogation of Parliament, that we might consider that the question which had so long been in controversy between Russia and the Ottoman Porte, and which had so much agitated the feelings of Eng-

land and of Europe, was in fact arranged. I am obliged to speak from memory of the general tenour of the noble Lord's observations, but I think I am not misstating them. The noble Lord said, on that occasion, that the arrangements, which might be considered virtually to have been concluded, were arrangements which, with many other advantages which he referred to, had this peculiarity—that they contained no condition derogatory to the interests or to the honour of the Ottoman Porte. Sir, I need not remind the House that a few days after Parliament was prorogued, the arrangement which the Government had referred to made its appearance, and that appearance took the form of the famous Vienna note. That note has since been recognised to have been a proposition identical in spirit, and in many parts of it, even in language, with that celebrated *ultimatum* of Prince Menchikoff which has gained so much odium, and caused so much excitement. Now, Sir, remembering the tone in which Her Majesty's Ministers addressed Parliament at the end of last Session, and the confident hopes which they held out on that occasion of an immediate conclusion of this important controversy, I cannot but refer with some hesitation to the language in which we are now addressed in the present Speech. I am not going on this occasion to enter at all into the conduct of the Government during all those prolonged negotiations. The documents which they may place before us will have all the attention they deserve, and I shall not presume at this instant to offer any opinion of my own upon any of these transactions, even in cases in which we have been furnished with documents by other Governments, or in that one instance in which we have received a very important paper from Her Majesty's Ministers—namely, the despatch of my Lord Clarendon. All I wish now, is to remind the House of the tone adopted by the Government when Parliament was last prorogued, and the expectation that was then held out to Parliament of an immediate and satisfactory conclusion of this question, and to compare the language used on that occasion with the language now under our notice. Sir, I think the House will not fail to observe that we are addressed now much in the same terms as we were then. We are still told that negotiations are going on—a hope is still held out that these negotia-

*Mr. Disraeli*

tions may be successful; but I think Her Majesty's Government, after the complete failure of the expectations which they held out to us six months ago—after its having eventually been proved that the plan which they then proposed was a plan which they themselves now would not for a moment sanction—I think Her Majesty's Government, while they tell the House that negotiations are still proceeding, and that they do not entirely despair of these negotiations effecting their object, ought to have assured us that the object of these negotiations is not one in the spirit of the Vienna note, which, six months ago, the Secretary of State for Foreign Affairs, in another place, held out to us as an arrangement not derogatory to the interests or to the honour of the Ottoman Porte. I think, Sir, it would have been more satisfactory to the House if the Government on this occasion had advised Her Majesty to use words which would have assured the country that, if the question can be settled without that fatal arbitrement of which we have of late been accustomed to speak, and to speak too familiarly, the settlement would be one which would maintain not only the integrity but the independence of the Porte. Although I shall not propose any alteration in the Address to Her Majesty, I feel it my duty to express my conviction that the language held in this Address is not sufficiently expressive, not sufficiently firm, not so explicit as, I think, the circumstances of the case require. There is a timidity of tone, I think, in this Address which appears to me not only unwise, but also unnecessary. I think that if we still feel it our duty to support Her Majesty's Government in that attempt at negotiation which they may not yet consider altogether desperate—and I am sure there is no Member in this House that will blame Her Majesty's Government for still clinging to negotiations if they themselves have a conviction that there is still a chance of accomplishing the desired end by such means—we must also feel that the tone taken in the Speech and Address with regard to these transactions between the Porte and Russia should have been of a higher character than that which seems to pervade the document before us.

Sir, I cannot say, with regard to our foreign relations, that the language of this Address is in other respects altogether satisfactory. We hear—and I, for one, hear



with pleasure—of the cordial co-operation of Her Majesty with the Emperor of the French. I cannot fail, Sir, to remember—though I have no inclination to dwell upon the circumstance at this moment—that little more than twelve months ago I felt it my duty to call the attention of the House to the relations between this country and France. I thought it my duty to attempt to call the attention of Parliament and of the country to certain expressions and certain conduct of eminent personages who, from their abilities and their station, were able to influence public opinion—which expressions and conduct I was convinced had a tendency to weaken that good feeling between England and France which, under all circumstances, should be cherished, but which, under the then and present aspect of affairs, was doubly desirable and important. I remember I was told then that my observations were factious observations; but I appeal for my vindication to the language which is now held in Her Majesty's Speech. I am gratified to find that Her Majesty is in cordial co-operation with the Emperor of the French; and I have no wish, or need, to say any more upon that subject. But, Sir, there is a suspicious omission in this Speech, which I think the House ought to notice. Her Majesty tells us in the Speech that She is in cordial co-operation with the Emperor of the French; but so far as the Speech from the Throne is concerned, and so far as our Address in answer to that gracious Speech is concerned, there is not the clear and manifest evidence in the sentence which follows, that, I for one, could have desired, that Her Majesty is in cordial co-operation with other Powers of very great interest and importance in this question. I wish we could be assured by the noble Lord opposite that there is no ground for any suspicion on that head. A statement to that effect would be very satisfactory to the House and the country. I should hope that upon this question Her Majesty is not only acting in cordial co-operation with the Emperor of the French, but also with the Emperor of Austria and with the King of Prussia; and if Her Majesty is in so satisfactory a position, then I think the language of the Speech and the Address might have been of a bolder and firmer character, and one more calculated to cheer the heart of the country at a moment when it may be entering on a trial of so severe a character. Sir, the whole manner, in-

deed, in which our foreign relations are treated in the Speech from the Throne is peculiar. One would suppose, for example, that, in consequence of the absorbing interest of this unfortunate struggle between the Porte and Russia, all consideration for other great Powers and for other allies of Her Majesty was entirely overlooked and forgotten. I observed the other day that, in that part of the Address of the President of the United States in which he touches upon the external relations of the great republic, he particularly notices that there are three questions of policy connected with the Government of Great Britain which are yet unsettled. Now, Sir, it does not appear to me that it would have been an unusual, an unwise, or an unreasonable thing if there had been some reference in Her Majesty's Speech on this occasion to those three unsettled questions of foreign policy with the United States, to which the President of the United States had so particularly and so formally referred. There have, also, been other incidents connected with our foreign affairs not unworthy, I think, of being noticed in an Address to Her Majesty or in a Speech from the Throne. I remember about two or three years ago one paragraph of Her Majesty's Speech informed the Parliament that a treaty had been effected with the State of Equador for the abolition of the slave trade. There were a great many Gentlemen in the House—not, I think, much to their discredit—who were not quite aware where the State of Equador was; but the paragraph which the noble Lord the Secretary for the Home Department, who was then Foreign Secretary, contributed to the Speech from the Throne on that occasion, was the important announcement of a treaty having been successfully negotiated and ratified by Her Majesty for the abolition of the slave trade in the State of Equador. Now, Sir, there have been treaties this year of still more importance than the treaty with the State of Equador, negotiated and ratified by Her Majesty, referring also to that part of the world, or, at least, that quarter of the globe; treaties in which the mercantile interests of this country are greatly interested, in the successful accomplishment of which they have taken great pride, and which I believe are of more real value than many diplomatic arrangements of greater pretensions. Why, is there not that important treaty which has opened to us the

navigation of the great rivers of South America? If you want to know what is the opinion of the merchants of England of the importance of that treaty, go to the Royal Exchange, go to Liverpool, and there you will hear men, whose opinions upon such a question ought to influence the House of Commons, speak of that successful diplomatic arrangement as not inferior in value, at all events, to the Vienna note. Why was that not noticed in Her Majesty's Speech? Why were not the House and the mercantile community gratified by an announcement in Her Majesty's Speech of that important treaty having been concluded? I will not believe for a moment that it was because the negotiations for this treaty had been mainly carried on, and the policy had been entirely recommended, by the predecessors of the present Ministry. That I cannot for a moment believe; but no one will deny that the treaty to which I refer is a most important arrangement—no one will deny that it is highly appreciated in this country—and allow me, Sir, to tell the House—allow me to impress upon the merchants of our great manufacturing and commercial towns, that they ought to be very thankful that that important treaty was successfully concluded; because, unless I am misinformed, when the despatch of the distinguished officer who successfully negotiated that treaty, announcing the completion of his mission was transmitted to this country, it crossed instructions coming from the Secretary of State at home, recalling him from his post, and telling him no longer to waste the public time and money upon so fruitless an enterprise. Now, Sir, having obtained such a success under such hazardous circumstances, I think that is an additional reason why we should have been informed in Her Majesty's Speech of such a treaty having been successfully concluded.

Sir, I shall not, as I have already said, attempt to touch upon the important question which probably will soon engage all our consideration. I am perfectly prepared to give Her Majesty's Ministers credit for the most sincere desire to avert from this country the great calamity of war. That, I am sure, is a declaration which requires no affectation of candour on any man's part to make. It must be so clearly their interest as well as their duty to maintain peace, that I am certain that no considerations but those of that paramount character

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which should influence statesmen will ever induce them to take a contrary step so vast in its character and so enormous in its results. But, Sir, although I am ready to give them that credit, I shall expect to find—and I am sure every Member of the House will agree with me in this—that they have been the faithful guardians of the honour of this country, I say the faithful guardians of the honour of the country, because I cannot dis sever the idea of the honour of the country from the interests of the country. I utterly deny that in this great question of the balance of power—which, I think, has been unwisely sneered at to-night—I deny that there is what has been called a sentimental portion and a political portion. I deny that there are things which are impolitic to be done, but which our honour requires us to accomplish. I say, on the contrary, that in every instance it can be made manifest that what our honour requires, you will find the interest of the State sternly demands. If there is one thing more than another which, notwithstanding the gloomy prospects of the country, still inclines me to hope that there is some chance of an honourable peace, it is the ample means which Her Majesty's Ministers have provided for the occupation of the time of Parliament at the very commencement of the Session. I can hardly conceive that a body of men who are about to embark in—I will not say a great European struggle, though that is the common phrase—but which, in fact, is not only a European struggle, but an Asiatic struggle—which, indeed, may stretch into a third quarter of the globe, for Russia has not only European and Asiatic but American territories—I say I cannot conceive that a body of statesmen, who believe that we are about to embark in such a conflict, who are preparing to meet such an awful conjuncture—I cannot believe that any body of statesmen so placed would have asked us not only to reform the whole of our civil service, not only to reform the ecclesiastical courts, not only to reform the poor-law, but even to reform the House of Commons. Sir, I came down here to-day with some fear—as many of us had—of some awful disclosure, of some terrible announcement, that was about to be made to us. I thought we were going to make war upon the Emperor of Russia. I find we are only going to make war upon ourselves. I agree with my hon. Friend the Member for

Liverpool (Mr. Liddell) in the abstract observations he made as to the very inopportune season in which the Government is about to bring forward their measure of Parliamentary reform. Certainly if we are about to go to war, when all the energies and feeling of the nation should be collected and concentrated on a struggle which concerns so nearly our honour and our interests, it appears to me in the highest degree unwise and unstatesmanlike that we should distract and dissipate those energies—that we should divert those feelings to another quarter, and to a question of an entirely different character. In the general and abstract observations, therefore, I agree with my hon. Friend the Member for Liverpool. I agree with him that a period of war is not favourable to the accomplishment of a great domestic change; but I cannot agree with my hon. Friend that his general observations apply to the position of the present Government. I think that the present Government have done only that which they ought to have done in meeting this question of Parliamentary reform. Let us look a little at the relations of the Government to that question. We have had two Prime Ministers, both of them members of the present Cabinet, who have formed their Administrations on the principle of the necessity of such a change—that being their chief political dogma. We have them maintaining the same opinions and taking the same course under circumstances of the most various kinds. When two Prime Ministers have given their opinions on a subject of great policy—that it was one which ought to engage public attention—and when they have announced a measure with respect to it, I feel that it is utterly impossible that such a question can be put aside. The noble Lord (Lord John Russell) three or four years ago, after anxious meditation on the subject, came down to this House, and not only gave his opinion that there should be a measure of Parliamentary reform, but in the year after produced such a measure, he being then the Prime Minister of this country. Little more than a year ago a colleague of the noble Lord, now Prime Minister (the Earl of Aberdeen), formed his Administration on the clear understanding that there should be a large measure of Parliamentary reform; and we know that another member of the Cabinet, a distinguished colleague of the two noble Lords, made

Parliamentary reform the condition of his accepting office. It is clear, therefore, whether we have regard to the public character or to our belief in the political truth of the statesmen who have taken this decided and matured course we cannot believe—not because it is inconvenient to them to fulfil the most solemn pledges of their public life, but because it will be felt as inconvenient by their followers and partisans—that they will now take a different course, and maintain that the principle, which they have so repeatedly, formally, and politically recommended, is one that is unwise and impolitic to be pursued. They cannot avow that but at the expense of all their sagacity as public men—with the confession of how little prescience they have foreseen what was required for the interests of the country—if they now come forward and say—“True, four years ago I announced Parliamentary reform as the principle on which my Government was to be carried on—true, the year after I brought forward a highly finished and comprehensive measure in unison with that declaration—true, I quit-  
ted office, and, on unexpectedly returning to it, renewed all the pledges and repeated all the recommendations which I had given to Parliament and to the country—true, I am now acting with those who more formally and solemnly reiterated the same declaration; but what of that? We spoke idly—we thoughtlessly gave in to the cry of the day—we meant little though we said much—we agitated the public mind by holding out fallacious hopes; but now placed in a grave and responsible position—some of our own followers not agreeing with us; even at the risk of destroying our character as public men for ever, we now tell you that Parliamentary reform is not necessary—that it is not desirable to consider the question, much less to legislate upon it; and that there should be a *tabula rasa* of all those principles on which two eminent statesmen founded their declarations and formed their Administrations.” But it may be said, and it has been said to-night by my hon. Friend the Member for Liverpool, “Look at the case of Mr. Pitt.” Mr. Pitt was a great statesman, though a young man—he was pledged to Parliamentary reform at least as much as those men who, though eminent, yet they will forgive me for saying, are not so eminent as Mr. Pitt. Mr. Pitt was pressed with a foreign war before he had fulfilled

his pledges with respect to Parliamentary reform, and he did not hesitate, when this country was about to be involved in war, to act in opposition to his former opinions—opinions which I believe he sincerely entertained, although by discarding them he gave occasion to insinuations that he had been insincere. But I venture to remark that that illustrious instance will not apply to the present advisers of the Crown. It was only last year that the present Administration was formed on the principle of a large measure of Parliamentary reform. It is a very short time since the noble Lord chose to renew and to reiterate all the pledges and to repeat all the opinions on this important subject which he had previously expressed to the country—and he was wise in so doing. But look at the circumstances of the case. You—I do not say the noble Lord—I know that he will not attempt to excuse himself—I speak to his friends who wish to find an excuse for him—you are about to embark in a war which, in your opinion, ought to change your views of pressing a measure of Parliamentary reform. But you thought of Parliamentary reform last year. Were you not then in danger of a war—nay, of worse than a war—were you not in apprehension of invasion? Yet it was then that you founded your Government on this principle, and you appealed to the electors on this very ground of Parliamentary reform; and yet at that time you thought, not only war was impending, but that invasion, immediate, instant, urgent, was the doom of this country. ["Oh, oh!"] Why, is it not notorious? I do not wish to dwell upon the topic; I would pass it over lightly—but there was one Member of the present Administration—a Cabinet Minister—who, the moment he was appointed, went down to the hustings, where he told the people that we were not only to be invaded, but invaded in a peculiar way—by bodies of 10,000 men, who, without any previous notice, were piratically to be thrown upon our shores? Did he not say to his constituents, how are you to answer for your wives and daughters under these circumstances? Thus, said the right hon. Gentleman, is the position of the Government of which I am a Member; we are about to take steps to protect you, and not only to protect you, but to give you a measure of Parliamentary reform. I think, therefore, the House will agree with me that there is no possible excuse for the noble Lord, or

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the right hon. Gentleman, or the Prime Minister who founds his Government on a large measure of Parliamentary reform, to evade their solemn pledge. Do I suppose that the noble Lord contemplates evading his pledge? I know that he will honestly attempt to fulfil it. I do not speak of the noble Lord or of his colleague, but I speak of those devoted and ingenious friends of the noble Lord who are so interested in his position that they are quite willing that he should retain it at the expense of his personal honour and his political sagacity. But the noble Lord will act differently. I dare say that on the 13th of next month we shall have that large measure of Parliamentary reform which has been so long promised introduced to our notice. I say that the present Ministry, in the present circumstances of the country, have no excuse for not introducing a large measure of Parliamentary reform. It may be unwise that Parliamentary reform should be introduced under any circumstances, it may be little short of madness to introduce it under the present existing circumstances; but the Ministers must bring in a large measure of Parliamentary reform. When that large measure of Parliamentary reform is proposed to us, I and my friends, after digesting it, as we shall digest the blue books, will take leave to offer our humble opinions upon it. And here I must be permitted to say at the outset, that I entirely protest against the adroit arrangement which would of necessity connect a measure for the purification of the Parliamentary constituency with a measure for a reconstruction of our electoral system. I hold that there is no necessary connexion whatever between these two subjects. We all know that long before the great measure of 1832, in all cases of delinquent boroughs, where boroughs were proved guilty of organised and absolute corruption, you disfranchised them, and gave the seats thus vacated to other constituencies. That happened frequently before the Bill of 1832, but you gave those forfeited seats to other electoral bodies, formed on the known principles of the constitution—you took the seats from the places so punished, and you gave them to other bodies; but whether you gave them to counties, or enlarged the area of the boroughs themselves, you still conferred the right of sending Members to Parliament upon constituencies framed in the recognised spirit and in the ancient forms of



the constitution. I shall be as ready as any man in this House to support the most comprehensive and the most stringent measures to put an end to bribery and corruption. I do not say, indeed, that any man can introduce a measure that will of itself put an end to bribery and corruption. I know that, for that end, you must look to influences higher than mere Acts of Parliament. You have put an end to the vice in classes higher than the constituent bodies, not by Acts of Parliament merely, but by giving them a higher tone of feeling, by educating the minds of those classes, by evoking in them a sense of public duty, and by cherishing and cultivating a feeling of self-respect. The same influence which has prevented judges, and statesmen, and Members of this House, from being bribed, and flagrantly bribed, will in time, if it be fostered, beneficially act upon constituent bodies too. But I admit that by legislative measures we may do something to check bribery and corruption, and I will support any law, however stringent, which is at the same time practical for that purpose. It may be in the recollection of the House that only last Session I introduced a measure, in conjunction with my right hon. Friend the Member for Midhurst (Mr. Walpole), for this very purpose. I must here repeat what I have often stated, that there is no class in the country less interested in bribery and corruption than the landed proprietors of England. Bribery and corruption are influences which are substitutes for local influence; and those who have great local influence are exactly the class who ought to look with the greatest jealousy on every measure which would substitute illegitimate influences for that local influence which they may proudly exercise. I do not say that there are no instances where local influence has not been abused, as everything has been abused; but I do say that there is no class who have less abused the exercise of their local influence than the landed proprietors of this country, on whatever side of the House they may sit. Local influence has its source in the spirit of neighbourhood, in the principles of good fellowship and good feeling; and those influences are sufficient to place them in their eminent position without having recourse to those which were originally directed against themselves, and from which, from the days of Sir Robert Walpole to the present, they have been the greatest sufferers.

I say, then, in the first place, that I will not connect a measure efficiently to check bribery and corruption with a measure for the reconstruction of the electoral body. There is no necessary connexion between the two subjects; they are put together to confuse our ideas, and to prevent us from seeing those measures which ought to accompany them. We have been told in the Speech from the Throne, that "recent experience has shown how necessary it is to take efficient precautions against the evils of bribery and corrupt practices at elections." But why are we to limit our exertions to bribery and corruption only? Why is intimidation to be passed over? I want that question to be answered. Great complaints have reached me as to intimidation at elections. I have had many cases brought before me of intimidation—I will not inquire now in which of Her Majesty's kingdoms they took place. But if we are, in the spirit of purity, to put down bribery and corruption, I protest beforehand against this limitation of our labours, and I would suggest the introduction of the word "intimidation." I do not mean formally to move it, but I make the suggestion to the noble Mover, and I trust he may avail himself of it. I shall for a moment suppose that we have a large measure of Parliamentary reform before us, and that it is not connected with a measure for checking bribery, corruption, and intimidation. Let me observe in what spirit we shall consider this large measure, which has been so long promised, and which is now about to be produced. It is, in our opinion, most unwise, especially at the present time, to introduce any measure of Parliamentary reform. Under these circumstances, we should perhaps be disposed to rest upon the extensive measure of 1832, however, in many instances, unjust in its arrangements with regard to the influence of the party that was opposed to the Government which introduced it. But the remedial agency of time has mitigated a great deal of that injustice, and we should be disposed to place against the advantages of an equitable arrangement of the claims of that party for redress, the immense disadvantages of tampering with the constituent body, and of perpetually disturbing that which, above all, ought to be hallowed by prescription. But if that famous Bill—the whole Bill, and nothing but the Bill—is again to be brought before us, and placed on that table for execution by those who were its prime projectors, and who sailed

into power and authority on the heady current of its agitation, then we shall analyse the materials of which this House and the country is composed, with a view of attempting to effect an adjustment more complete than now exists between the various classes of the country and their representatives in this House. I have taken occasion before to point out to the House, when a large measure of Parliamentary reform was proposed by the hon. Member for Montrose (Mr. Hume), the extraordinary injustice with which the landed proprietors of the country have been treated with respect to the representation in the House, and all classes connected with the land. I have placed before the House statistics of property and population, and I have shown that the greatest anomalies brought forward by hon. Gentlemen opposite in a thoughtless vein are equalled—nay, are not equalled, but are infinitely surpassed—if you apply these principles and test by these dogmas—by the arrangements for the representation of the inhabitants of the counties of England in the Commons House of Parliament. We have lately had some important returns furnished by the Government. They only confirm and illustrate, by fresh and still more striking evidence, the principles which I have placed before the House with reference to this subject, and the facts which I have before stated. This is not to be denied—that at the present moment more than one-half the population of the country is represented in the House of Commons by a body of 160 or 170 county Members, while a population of not more than 7,500,000 are represented by more than 400 Gentlemen, who are called borough Members. So much for the facts at the present moment. These are not considerations which would have induced us, especially at the present moment, to come forward and ask for Parliamentary reform, though we think that great injustice has been done us by the present arrangement. When you appeal to the passions, and dwell upon the importance of what you call the large towns; the fact is, that there are vast populations, still larger than the largest towns, which are represented only in a most imperfect manner, and who have not nearly the number of Members which, according to your principles, they are entitled to. When we come to this large measure—when we come to this bold proposition, as we have been informed, of disfranchisement—when we have to add them to that horde of forfeited seats which

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the noble Lord has been so long and so sedulously accumulating—we shall come forward not with clamour, not with that organised arrangement which is brought into play whenever anything is demanded by what are called the large towns—but we shall come down to the House of Commons and appeal to facts—we shall appeal to principles—we shall ask you to apply your own facts and principles and to do us justice; but remember at the same time that if you award to us that which we supplicate, you will at the same time add strength and reverence to the constitution of England.

LORD JOHN RUSSELL: Sir, the Government have no reason to complain of the manner in which the Speech from the Throne and the Address this evening have been treated by the House. On the contrary, I have to thank the House in the name of the Government for the general spirit of moderation which prevailed in the way in which hon. Members have declared, with respect to the great Eastern Question, on which opinions are so divided, that they are ready to wait to consult the papers which have been laid upon the table of the House, and that not till they have examined them will they be prepared to give their judgment upon them. Sir, if there was anything in the beginning of the debate which may have been considered to criticise the policy of the Government, I am quite ready to rest the answer to those observations on the speech of the hon. Baronet the Member for Tamworth (Sir Robert Peel) who spoke with great eloquence and ability on our foreign relations. The right hon. Gentleman who has just sat down has made some philological observations upon phrases in the Speech from the Throne, rather than found fault with the policy which it embodies. Of that policy I have only to say, that I think it has been carried on with a view to preserve, if possible, the blessings of peace to England and to the world, and that it has been directed, in any event, either in a peaceful or in a warlike termination of our negotiations, to preserving the honour and interests of this country. Sir, that honour and those interests would not have been preserved if, when we saw the aggressions of Russia on her unoffending neighbour, we refrained from lifting up our voice in her support, and demonstrating that, if necessary, we were ready to take other means to prevent the success of what appeared to us to be an unprincipled and an

unjust invasion. The right hon. Gentleman has alluded to the terms of the Vienna note. That note, as I stated in the former Session, was framed not by the English Government, but by the Government of the Emperor of the French. Some additions and alterations were made to it by the Austrian Government, and we accepted the note as a means which we hoped would prove for the benefit of Turkey, and conciliate her claims with those pretensions which the Emperor of Russia had put forth. It is quite true, I readily admit, that when that note arrived at Constantinople, and when the Turkish Government showed that, not in the plain sense, not in the sense affixed to it by the representatives of the Four Powers, but in the sense that might be affixed to it by her hostile and jealous neighbour, the note might infringe upon her independence, we had then no hesitation in recommending the modifications proposed by the Turkish Government to the consideration of the Emperor of Russia. The answer that was made, above all the explanations that were given by Count Nesselrode as to the sense in which the Vienna note was understood by the Government of St. Petersburg, proved not only that the Government of Russia was not prepared to recede from any of its pretensions, but that to its unprincipled and unjust aggression, it added something which I cannot designate otherwise than fraudulent in the manner in which it pursued its policy. Sir, I should be misleading the House, if I were to express any confident expectation that the offer now made will be acceded to by the Emperor of Russia. But this I may say, in reference to the remark of the right hon. Gentleman, that he hoped there was nothing contrary to the integrity and independence of Turkey in the terms proposed—that the terms now proposed are terms agreed to by the representatives of the Four Powers and of the Turkish Government, and that the Turkish Minister for Foreign Affairs himself framed and signed the note in which the propositions were conveyed; so that, in advising the Government of St. Petersburg to accept that note, we cannot suppose that we are in any way trenching upon the integrity or the independence of Turkey. I think it is very obvious from the terms of the Speech that whilst the British Government is most anxious, if possible, to effect a pacific settlement of the question, we are not disposed to let the Government of Russia so far take advantage of the time

that may elapse as that, while she is making warlike preparations, when the end of the negotiations should arrive we should be found totally unprepared. I know no injury—I see, on the contrary, very great advantage—in protracted negotiations, as long as there is a hope that peace may be the result, if we do not allow the consequence to follow that an advantage may be gained by Russia during that time, which an earlier termination of the negotiations would prevent. When the papers are laid upon the table, I shall have no objection, on any Motion that may be made, or discussion that may arise, to go fully into those questions. One thing I may say—that, considering the position of Russia in regard to Turkey, and the frontier which divides them, and that England and France have taken the most active part in opposing the designs of Russia, we have thought that it would be an immense advantage in every point of view, if Austria and Prussia would combine with us for the purpose of preventing a war from ensuing in consequence of the aggression that has been made by Russia. Our endeavours in that respect have not been fruitless. There has been a Protocol signed by the Ministers of the four Powers, in which they all declare that it is a satisfaction to them to be able to announce that no diminution of the integrity of the Turkish Empire will ensue from the war that now exists between Russia and her. That declaration, no doubt, is not complete—that declaration does not fully meet the views of the Government of Great Britain; but still it is a great advantage that, so far as we can, we shall act together; and when the Government of Austria shall perceive that war is at length near—that the negotiations in which she has willingly taken part will not be successful in inducing the Emperor of Russia to desist from his efforts, and that nothing but bolder measures and a stronger tone would induce him to do so—I say I have great hopes that the Government of Austria, seeing her own interest—an interest much greater than that of England and France on this question—seeing, likewise, that the interest of Europe is involved in the settlement of this question—will, with the Government of Prussia, act generally with us, and I have no doubt of the immediate result. I say, considering all these things, that our time has not been lost in our efforts for conciliation, and in doing everything that we could consistently with our honour and interest

for that purpose, and in endeavouring to persuade the Government of Austria to take what we think a more enlightened and more successful course.

Sir, in the course of the debate there have been remarks made upon various subjects by the right hon. Gentleman (Mr. Disraeli) opposite; upon some domestic subjects by others—which had been omitted in the Speech. I quite agree in the importance of the treaty with Paraguay to which the right hon. Gentleman refers, and I have had the honour to present this evening, by command of Her Majesty, papers connected with that treaty. But really, considering the importance of some of the principal topics to be touched upon, there were so many topics contained in the Speech that unless the right hon. Gentleman would recommend us to depart from all former precedents, and to frame the Royal Speech of the length of the Message of the President of the United States, we should not be able to include all the various topics to be referred to. A most important subject has been mentioned by the right hon. Baronet the Member for Tamworth—the subject of education; and the hon. Member for Montrose has also spoken on that subject. Sir, there is no one, I believe, who is more anxious to see a good system of education extended and established in this country than I am myself. But it is necessary to consider the means by which that object may be accomplished. With regard to one part of this great subject, taken as a whole—namely, the question of the English Universities—we have taken that subject into consideration, and I hope that during the course of the month of February—in the middle or towards the end of it—we shall introduce a measure for the improvement and reform of the University of Oxford. With respect to another department of this subject—namely, education in Scotland—my right hon. Friend the Lord Advocate has prepared a Bill on the subject, and when it is finally approved of by the Government he will introduce it. Now, with respect to various measures relating to education, I would rather that we should wait at all events to see the progress of the numerous measures we have to introduce, before we say anything respecting them.

The right hon. Gentleman has spoken of the question of reform in Parliament, and he seemed partly to agree and partly to disagree with his hon. Friend the Member for Liverpool (Mr. Liddell). The hon.

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Member for Liverpool told us that Mr. Pitt, in the year 1793, declared that he was no longer a supporter of a measure of Parliamentary reform in consequence of the war to which the country was engaged. Now, however great may be the authority referred to, for my part, I had much rather that Mr. Pitt had at that time refrained from entering into the war, and proceeded with the Parliamentary reform. But I do not think the precedent is applicable to the present time. If it were so, indeed, it would be no slight postponement of the question of reform, because that reform which Mr. Pitt postponed in 1793 was not adopted by Parliament until forty years afterwards, and I certainly cannot consent to a postponement for that length of time. But, Sir, it is to be considered whether the excuse was a good or a bad one. What Mr. Pitt was engaged in resisting, or counter-acting, was the spirit of republicanism and democracy, and he thought it unwise to allow that spirit to display itself by supporting any measure of Parliamentary reform. That was in fact the tendency, spirit, and object of his war. At present we are in a totally different position. Whatever complaint we may have to make of the Emperor of Russia, it is not that which Mr. Pitt made, namely, that he is engaged in supporting the pestilent doctrines of democracy abroad. We cannot say that the Emperor of Russia has issued any decree of fraternisation by which he hopes to spread republicanism. There is, therefore, no likeness between the cases. But I own, for my part, I do not agree in the cogency of the argument, even without the precedent which my hon. Friend (if he will allow me so to call him) the Member for Liverpool has used. It does not appear to me that this is at all an unfit or improper time for introducing the question of Parliamentary reform. I know to those who do not like the measure a fit time is always wanting. Mr. Wyndham, who was a great master of illustration and allusion, when a measure of reform was introduced in a time of public quiet and peace, said, "You are like the man in the *Spectator*, who had every symptom of the gout except the pain; you are going to deal with a disease that causes you no inconvenience." Times changed, and there was a vast deal of commotion, and agitation, and excitement, and still Mr. Wyndham opposed reform, saying, "Surely you will not repair your house in a hurricane." On both occasions he was ready with an



illustration, and so it is with many of those who now say that this is not the time to introduce a measure of Parliamentary reform. I cannot but refer to a pledge which I gave on this subject in the year 1848, a time when a great democratic revolution was flying through Europe. I thought when the hon. Member for Montrose then proposed a measure of reform that it was not advisable to introduce a measure of that kind at that period. I said, "Although I cannot concur with your proposal at this time, or with the exact grounds of your proposal at any time, yet my opinion is that when this fit has passed away, and when Europe shall be tranquil so far as regards those democratic movements, that will be the time to consider further improvements in our representative system." I cannot think that there is any danger in discussing the question of reform during the excitement of a foreign war; but the time that really is dangerous for such a discussion is the time of great popular excitement and dissension at home. It is said there is no feeling abroad on the subject—that there is a complete apathy about reform. If that be the case, is it not the fitter time to discuss the question of reform, lest in the course of the war there should be times and periods of distress, when the people should become excited, and large meetings should be assembled in every town, partly crying out for more wages and cheaper food, and partly crying out for an increase of political power—is it not wise to forestall any demand of that sort? Supposing we have the calamity of war, and have with it the necessity for increasing the public burdens, is it not a fitting time to enlarge the privileges of the people when you are imposing upon them fresh taxes, so that the House of Commons, in imposing taxes upon the people, may, as far as possible, impose them upon those who have elected them? When the Bill shall be introduced, the right hon. Gentleman opposite will have an opportunity of making his criticisms upon its character. I own the right hon. Gentleman somewhat surprised me. After saying that it was unwise—that it was little short of madness—to introduce a Reform Bill at the present time, he ended by suggesting that perhaps he should have a Reform Bill of his own. If that is introduced, I shall listen to the right hon. Gentleman's proposal, and see if we can borrow anything from the study which he has no doubt given to the subject. I remember about two

years ago, when the right hon. Gentleman held the office of Chancellor of the Exchequer, he spoke then of the expediency and propriety of giving the franchise to the working man. That was his doctrine at that time, and we shall see when this Bill is introduced whether he has departed from or maintained that doctrine.

Now, Sir, after having stated generally the views which I entertain with regard to the several topics of the Address, I have to call the attention of the House to a subject of very great importance, but one in speaking on which I hope I may not overpass the bounds of due discretion. I rejoice that I have not been wrong in supposing that no Member of this House would in any way adopt or countenance the calumnies that have been spread abroad with respect to a Royal Personage—the Prince Consort. And, Sir, if those calumnies were like ordinary calumnies, and had only ordinary effects, I might be disposed to leave them without notice to pass away in the course of time; but they affect so much the highest interest of the State, and there has been so much of honest delusion, as well as of foul calumny, that I do feel it necessary to make some statement with regard to the position of that illustrious Prince. I may first say, as to the charge generally of unconstitutional interference on the part of His Royal Highness, it is generally admitted—admitted throughout the country, and by all parties—that there never was a Sovereign who has acted more strictly in the spirit of the constitution in the exercise of Her high prerogative than Her Majesty. Her Majesty has accepted the Ministers whom She found approved of by the House of Commons, and She has given them Her whole and entire confidence. On Her accession She found Lord Melbourne Prime Minister, and he had Her entire confidence. Lord Melbourne was succeeded by Sir Robert Peel, and Sir Robert Peel had the entire confidence of Her Majesty. It was my destiny to succeed Sir Robert Peel; and during more than five years, in which I held that honourable position, I can say most truly that I received from Her Majesty every support and every mark of confidence that a Minister could expect. I cannot but express towards Her Majesty my gratitude for the kindness with which I was treated, and for the attention with which all my representations were listened to by Her Majesty. Well, then, is it not strange that it should be said—is it not a strange and incredible

assertion that Her Majesty, during a great part of that time, should have Her Consort by Her side, and that while the whole of the conduct of Her Government has been most constitutional, it should be possible that the Prince Consort during that time should have been acting in an unconstitutional manner. There is something absurd and contradictory on the face of such an assertion; but I do feel it is necessary, owing to the honest delusion which I have said has prevailed, to enter somewhat into what is the position (not much defined in any of the law books or by precedents) of a Prince Consort in this country. When Her Majesty came to the Throne, being then only eighteen years of age, and of course inexperienced, Lord Melbourne considered what it became him to do when Her Majesty was pleased to say that he should continue in the post of First Lord of the Treasury. It seemed to Lord Melbourne that it was his duty to advise Her Majesty on all subjects with regard to matters of domestic interest—with regard to the arrangements of the palace, as well as with respect to the higher and ordinary duties of a Prime Minister. But, doubtful as to whether he had come to a right opinion, he resorted for advice to the highest authority he could obtain; he went to the Duke of Wellington. The Duke of Wellington entirely agreed with him, and said that if he held the office of Prime Minister, he would take exactly the course that Lord Melbourne had pointed out. Three years after Her Majesty's accession Her Majesty espoused Prince Albert, the present Prince Consort. The position in which Prince Albert should stand was likewise a matter of consideration. He was, as the House knows, naturalised by Parliament, and naturalised in such a manner that he could be a member of the Privy Council. Some doubts have been started on this subject; but anybody who looks into the subject will see that he was not only enabled but fully authorised to sit in the Privy Council. Lord Melbourne asked me what was my opinion as to the course that should be pursued with respect to the despatches that should arrive, and all the secret communications of the Ministers. I said that I had no doubt whatever that Her Majesty should communicate them as She thought fit to the Prince Consort, and that I did not think, in his relation to Her Majesty, it would be fair to have any concealment on the subject. I am not sure from recollection, and do not very distinctly recol-

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lect, whether Lord Melbourne at that time mentioned the subject; but I am sure that Lord Melbourne and I thought it our duty to advise the Queen that that should be the conduct with regard to public despatches and communications. I think that any other advice would be foolish and unbecoming. It could not but happen that the Prince, after his marriage, should discuss public events with Her Majesty; and to fancy that he should only gather his information from the newspapers or public statements, while Her Majesty had all the despatches and official information before Her, would not only be an absurdity, but it would be impracticable. Well then, Sir, such being the position of the Prince, it is quite evident that there is no truth whatever in the colour which has been attempted to be placed upon His Royal Highness's relation to Her Majesty in this respect, or in the statement that Lord Melbourne constitutionally debarred the Prince from a knowledge of state affairs, and that Sir Robert Peel was the first person who introduced him to a knowledge of those affairs. Why, Sir, I believe it is true, that in Sir Robert Peel's time, it first happened that His Royal Highness was present during the interviews with Ministers; but the House will at once see, that if His Royal Highness, according to the advice of Lord Melbourne, was informed of all that was going on, and knew as well as Her Majesty all that was taking place, his mere introduction into the closet when the Ministers had their communications with Her Majesty was merely a convenience, and established nothing beyond the principle that had been adopted. If the Prince had not been present when the Ministers were with Her Majesty, Her Majesty would have communicated to him what had occurred. That would be a circuitous report of what the Ministers had said, and would be a less convenient mode of proceeding than if His Royal Highness had been present; for in the one case, as in the other, His Royal Highness, having, I need hardly say, the intellect, the information, and the general knowledge which belong to him, it would have been quite impossible that Her Majesty would not have spoken to him on every matter of great importance that would arise. I am now speaking generally of their relations, without any reference to the constitutional relations which subsist between the Sovereign and Her Ministers, because, as I have stated at the commencement, there has never been any

complaint that those relations have not been properly recognised. Well then, it was not Sir Robert Peel, but Lord Melbourne and I who advised—and we thought we were acting entirely and in the spirit of the constitution in giving that advice—that His Royal Highness should be fully informed with respect to all that had passed. But did Lord Melbourne, when he went out of office, consider that there was no advantage in Her Majesty having that counsel. Be it remembered that he had taken upon himself on Her accession, during the youth of the Queen, to give Her advice upon every subject. At the time that Sir Robert Peel assumed the reins of Government, Her Majesty had been already married. It was in the beginning of September, 1841; and on the 30th of August in that year Lord Melbourne wrote in those terms to Her Majesty—

“ Lord Melbourne cannot satisfy himself without again stating to Your Majesty in writing, what he had the honour of saying to Your Majesty respecting his Royal Highness the Prince. Lord Melbourne has formed the highest opinion of His Royal Highness's judgment, temper, and discretion; and he cannot but feel a great consolation and security in the reflection, that he leaves Your Majesty in a situation in which Your Majesty has the inestimable advantage of such advice and assistance. Lord Melbourne feels certain that Your Majesty cannot do better than to have recourse to it when it is needed, and to rely upon it with confidence.”

That was the opinion which Lord Melbourne had formed of His Royal Highness's ability and character; and I may say that no one who had any intercourse with His Royal Highness could form any other opinion, but must appreciate the judgment and the ability of that distinguished personage. I should be sorry, without necessity, to refer to the affairs of a Prince so near the Throne; but, recollect, I am now speaking in defence of one who has been injured by anonymous slander, and this is the first opportunity on which he has authorised any communication to be made in reply to those slanders. His Royal Highness, therefore, continued in this position, giving advice to Her Majesty when it was expedient to do so, and stating to her his opinion when he thought assistance was necessary; but the most constitutional deference was paid to the advice of the Ministers; and be it observed, that though it may have been the case during the reign of the House of Hanover that Ministers may have been obliged to resign because they could not

agree to something which the Sovereign proposed, or because they were obliged to propose advice that was not acceptable to the Sovereign, yet in the present reign the Administrations of the Queen have always ceased in consequence of a vote of this House. Well, Sir, during my Administration there occurred a case in which His Royal Highness had to consider his position, and to determine what he should do with respect to a proposal that was made. I had some correspondence with the Duke of Wellington at a time when the office of Adjutant General was vacant. The Duke of Wellington went to Windsor, and he there informed Prince Albert that it was his opinion that it would be of great advantage to the Army if after his death His Royal Highness were placed by Her Majesty in the position of Commander-in-Chief. His Grace said that he had thought much upon it—that all his feelings and wishes were for the good administration of the Army—that the Army peculiarly belonged to the Crown—and that he did not think its interest would in any way be so well cared for, as by Prince Albert consenting to be his successor. He said he wished to have a decision upon the subject, because he would make such arrangements with respect to the office of Adjutant General and other offices at the Horse Guards as would give His Royal Highness all the assistance that he would require. Prince Albert could not but feel that it was a very great compliment to be told by the Duke of Wellington that he was a fit person to succeed him in the command of the Army; but after some reflection he informed the Duke of Wellington that he considered that his place was to be always near the Queen—that he thought he ought to identify himself with the Queen—with Her position and with Her interests—and that he would depart from that position if he had any separate office of his own, more especially an office of the importance of Commander-in-Chief, and thereby became responsible for other duties, and for the exercise of other powers beyond those which Her Majesty had to exercise or perform. Immediately after having given that answer, I had the honour of an interview with His Royal Highness, when he read the letter he had written to the Duke; and it appeared to me, and I immediately expressed my opinion, that His Royal Highness had judged most rightly, and that he had correctly viewed his own position. I think there were other reasons

why His Royal Highness should not take the office of Commander-in-Chief; it is quite unnecessary to state those reasons—those which His Royal Highness himself stated were quite sufficient, and they showed that, while he considered that he ought not to be Commander-in-Chief, he likewise considered that, whenever he could be of any aid or assistance to the Queen—whatever difficulty She might feel—whatever decision She might have to come to—he was bound to give the whole of his intelligence, and zeal, and wisdom to the consideration of that question. With regard to the charges made against his Royal Highness, many of them are too frivolous to notice; many of them are mere straws which appeared one day, and disappeared the next:—but having explained now the general constitutional position of the Prince—a position of the greatest importance—I shall mention with regard to two different branches of the public service the sort of charges that have been made. With respect to the Army in particular, it has been said that His Royal Highness is in the habit of constantly interfering; now, I would say that when the Duke of Wellington acquiesced in the decision of the Prince, he said at the same time that as it was not likely that the Queen would personally attend to the details of the military service, he hoped His Royal Highness would always give his attention to anything that affected the state and efficiency of the Army. That His Royal Highness has done with regard to any general question which he thought affected that state and efficiency; but with regard to the ordinary business of the Horse Guards, he has never in any way interfered; with respect to patronage, he has never at all interfered, and I think the House will agree that, having had this request from the Duke of Wellington, and seeing that it was not likely that Her Majesty would attend to those points which the Kings, Her predecessors, had attended to, it is but right that His Royal Highness, with respect to general questions that might affect the Army, should pay attention to those questions. Sir, it so happens that a short time ago a circumstance occurred which was so perverted that I must take the liberty of stating what were the real facts of the case. The Adjutant General and Quarter Master General are appointed by the Sovereign, and not by the Commander-in-Chief; but the Sovereign, as it is supposed, usually takes the advice

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of the Commander-in-Chief in making those appointments. A difference of opinion occurred between Lord Hardinge and Sir George Brown with respect to the weight that the soldier should carry, and with regard to other points of military detail and arrangement. Sir George Brown, whose correspondence has been shown to me by Lord Hardinge, wrote a letter in exceedingly suitable terms, saying that as there was a considerable difference between Lord Hardinge and himself, and as his own opinion, formed upon what he had heard from the Duke of Wellington, was unshaken, he thought it was better that he should resign the office of Adjutant General; and he, therefore, begged Lord Hardinge to place his resignation before the Queen. Now, it has been represented that this resignation was somehow produced by the interference of Prince Albert. That story is totally false. It arose entirely from the difference of opinion I have stated. Lord Hardinge immediately laid Sir George Brown's resignation before Her Majesty, and recommended that Sir George Cathcart should be appointed the successor to Sir George Brown, as he considered him a very distinguished officer, and of an age that would enable him to perform actively the duties of that station. Her Majesty acquiesced in the advice that Lord Hardinge gave, but she said she hoped that General Wetherall, who was next in that office of Adjutant General to Sir George Brown, would meet with every consideration from Lord Hardinge. Now, it should be mentioned that General Wetherall was the son of one who was in constant attendance upon the Duke of Kent, and I am sure that the House will not think it wrong that Her Majesty—recollecting the services of General Wetherall's father to Her father—should wish that every consideration and kindness should be shown to that distinguished officer. Lord Hardinge said that he was quite ready to pay every consideration to the merits of General Wetherall, that he thought very highly of them himself, that he performed his duties in Canada very well, but that he (Lord Hardinge) did not think he would be so efficient an Adjutant General as Sir George Cathcart; that he was, however, quite ready to propose some method by which it should be shown that no disapprobation was entertained towards General Wetherall. Upon this an equerry of Her Majesty, who was likewise in attendance upon His Royal Highness, came to London to express to



General Wetherall the Queen's sense of his services, and that it was not from any slight to him that she had taken the advice of Lord Hardinge. General Wetherall, as might be expected, expressed his grateful sense of this mark of Her Majesty's condescension and kindness, and made no complaint of the appointment which was made to the office of Adjutant General. Presently, however, it was said that General Brown had been spoken to by Lord Hardinge, and had said—but perhaps I had better read the letter in which this assertion is contained:—

“Great Stanhope-street, Jan. 20.

“Lord Hardinge presents his compliments to Sir George Brown, and requests his attention to an article in the *Morning Advertiser* of the 18th of January, which describes ‘Sir George Brown as having on one occasion replied with great emphasis to Lord Hardinge that he was aware that he had sworn allegiance to Her Majesty, but that he could not recognise the authority of the Prince in any matter connected with his office at the Horse Guards.’ Lord Hardinge desires to be informed whether, in the transaction of the official business of the Adjutant General's department, any such conversation as that described ever took place between them?”

To that note Sir George Brown replied as follows:—

“61, Eaton-square, Jan. 20.

“Sir George Brown presents his compliments to Lord Hardinge, and in reply to his note this moment received, begs to assure his Lordship that he has no recollection whatever of ever having received orders from him as emanating from Prince Albert, and that consequently he never could have expressed himself in the terms he is represented to have done in the article extracted from the *Morning Advertiser*, transmitted with his Lordship's note.”

With regard to the other statements respecting the Horse Guards, the same contradiction could be given if it were worth while. I believe I have described accurately the state of the case, and of the relations which do exist between Prince Albert and the Commander-in-Chief. When the Duke of Wellington was Commander-in-Chief, these communications were frequent. They have been less frequent of late, but they all relate to the general efficiency of the Army. There is another subject, with respect to which a specific assertion was likewise hazarded. It was said that upon questions of foreign policy, and more especially upon that Eastern question which at present absorbs to so great a degree the attention of the country, Prince Albert had taken a course to thwart the advice of Her Majesty's responsible Ministers, and that in the attempt so to thwart their advice he was in the habit of writing to our Foreign

Ministers on these subjects. Now, on that point I will read the following letter from the Earl of Westmoreland:—

“TO THE EDITOR OF THE MORNING ADVERTISER.

“Sir,—My attention has been called this day to a paragraph in the *Morning Advertiser* of the 14th inst., which states:—‘That if these noblemen (Lord Stratford de Redcliffe and Lord Westmoreland) were called on to state what has passed in writing between an illustrious personage and themselves, relating to the Eastern question, and to produce the correspondence, we have no doubt that disclosures would be made which would startle the people of England from their propriety.’

“I lose no time in informing you that there is not the slightest foundation for the supposition therein contained. I have not had any communication, directly or indirectly, with the ‘illustrious personage’ alluded to since I first came to Vienna. I never received a letter from the Prince containing one word upon politics, public men, or public affairs. The only letters with which his Royal Highness has honoured me have related to matters of art and benevolence.

“I feel satisfied that you will take an early opportunity of giving publicity to this contradiction of the report circulated in your paper.—Your obedient servant,

“WESTMORELAND.

“Vienna, Jan. 22, 1854.”

Thus, whenever these allegations took a specific shape, it is obvious they could be at once contradicted, and that in a manner the most decided. His Royal Highness has never been in the habit of corresponding with Foreign Ministers. There was one instance, and I believe one only, in which it happened that a Minister at a foreign Court wrote to him, and His Royal Highness immediately sent the letter to the Secretary of State for Foreign Affairs, and desired to know what answer he advised him to return. With respect to the Court of St. Petersburg, I believe that the only communications that have passed have been on matters of ordinary courtesy and civility, and that it is some time since that took place. On another occasion, when a near relation of Her Majesty, being the representative of Austria at the Court of St. Petersburg, was afflicted by a dangerous illness, Sir Hamilton Seymour, our Minister at that Court, wrote repeated accounts from day to day of the health of that relation. I have thus gone through these various allegations quite as far as it is proper and becoming that I should do so. I need hardly appeal to this House to consider, but I hope that the country will consider, what must be the position of the Prince as relates to Her Majesty. We have had two female sovereigns before, both of whose reigns were great and glorious in English history. Queen Elizabeth, no doubt, feeling that she would

not like to divide her power, and that her mind and her fortitude and her ambition were fully equal to the conduct of all the affairs of this realm, never married, as the House knows. Queen Anne was married to a prince of no very distinguished intelligence; and we all know that while the policy of Marlborough prevailed great victories were gained, but that owing to a change of influence at the palace, to one lady supplanting another, these victories gave place to the convention of Utrecht. Her present Majesty is in a different position to either of these sovereigns. Her Majesty is married to a Prince of singular attainments, and their domestic life is as good an example to all the Queen's subjects as Her constitutional conduct is a model for all sovereigns. Would any men believe me if I were to say that, while thus united, the Queen never consulted with the Prince Consort—whose eminent qualifications I have described—with respect to affairs that nearly interest Her Majesty, that interest Her fortunes, and the fortunes of Her crown, the welfare of Her people, the happiness of Her interior life, and Her relations with many of those who are dear to Her? No one would believe me if I made such an assertion. I say, then, that I hope in future there will be no delusion upon this subject. There is no harm in telling the whole truth with regard to this matter; in saying that Her Majesty and the Prince are inseparably united, and that both with regard to public counsels, as with regard to private affairs, they have no greater comfort than in communicating with one another. And when the people of this country, always just in the end, have reflected upon these matters, I think that the result of these calumnies, base as they are, and of these delusions, blind as they have been, will be to attach the people of this country still more strongly to the Queen of those realms, and to give a firmer and a stronger foundation to the Throne.

MR. WALPOLE: Sir, I am sure that the House and the country are indebted to the noble Lord for the manly, honourable, and able manner in which he has vindicated the Prince Consort from charges as calumnious, and in my opinion, as extravagant, as ever were urged against any man. It would be presumption in me to add much to the statement of the noble Lord; for, with regard to the specific charges brought against that illustrious personage, they have received a specific answer, and to my mind

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they are disposed of completely; and, with regard to the constitutional position occupied by His Royal Highness, I have no hesitation in saying publicly what I have often before expressed in private with reference to these calumnies—that I conceive there is, according to the constitution, not only no reason why every public and private matter should not be communicated to the Prince Consort by the Queen, but that it would be contrary to all good feeling to suppose that such communications should not take place. The only point which I wish to add to the statement of the noble Lord is this;—the noble Lord has assured the House that Her Majesty the Queen has, according to the constitution, invariably reposed the utmost confidence in the Ministers of her choice, beginning with Lord Melbourne, going on with Sir Robert Peel, and ending with himself. I hope I may be allowed to supply the only omission in the noble Lord's statement. On my honour, I can assert, on behalf of Lord Derby and his colleagues, that the same confidence was as frankly and as fully extended to them upon this point. I will say no more, because the noble Lord has so completely disposed of the whole of the case, that nothing is required for me to add. I do not desire to flatter the Prince; but I will not be deterred by the fear of that charge from stating what I believe to be the truth, nor will I detract one iota from the high and just praise which the noble Lord has given to the Consort of the Queen, whose intelligence, capacity, and conduct since he has been in this country, entitle him to every possible respect and esteem from all Her Majesty's subjects. Having disposed of that part of the speech of the noble Lord, perhaps the House will allow me to recall its attention to certain passages with which it commenced. The part of his speech to which I refer related to our foreign policy. In these passages the noble Lord has supplied a great omission, which would otherwise have been remarked upon in the country, with respect to certain matters connected with Russia and Turkey. In the first place, the noble Lord has assured the House—and it will be satisfactory to the country to hear that assurance—that the last efforts at negotiations which have been going on between this country and foreign Powers have now brought the matter to a unanimous expression of opinion in which the four great Powers are agreed, and, as I understood the noble Lord, with the assent of Turkey. I con-

clude he refers to what is called the collective note, which, to my mind, whatever may be my opinion of former parts of the transaction, has put the matter on a better basis, by maintaining and vindicating the independent sovereignty and integrity of Turkey. Another satisfactory part of the noble Lord's speech appeared to me to be that in which he supplied another omission in the Speech from the Throne, I mean the passage in which he referred to the disposition of the other Powers. I understand from his statement, that we may now expect, if not as certain, at least as possible, that the Emperor of Austria and the King of Prussia are concurring, or likely to concur, with France and England in the views they take on this question. That also was an important communication which I was glad to hear from the noble Lord. The noble Lord made a third observation equally important, though I cannot agree with him on the conclusions which he drew from it. He told us that he thought it was not only not detrimental, but that it was advantageous to this country and to Europe to protract negotiations as long as possible, if by these protracted negotiations peace could be secured, and the interests of the parties were not in the meantime impaired. I hope the noble Lord will forgive me for reminding him, in connexion with this part of his speech, that it was while former negotiations were going on that the Pruth was crossed, in order to obtain "a material guarantee for peace"—a new term, I believe, in European diplomacy. And we should not shut our eyes to the fact, that it was while these negotiations were proceeding that the Principalities have been occupied, that contributions have been levied, and that martial law has been proclaimed there. Now I agree with the noble Lord that negotiations should be continued so long as there is a chance of peace being preserved, consistently with the security due to Turkey. But I hope that negotiations will not be continued if no better protection can be secured to Turkey than she has met with hitherto in the occupation of the Principalities and the disaster of Sinope. And now, Sir, I cannot refrain from making a passing observation with reference to the remarks which fell from the noble Lord on the subject of the Reform Bill. My right hon. Friend (Mr. Disraeli) pointed out to the noble Lord the extreme inconvenience of discussing a measure of this kind, which may give rise to great difference of opinion, while we

should be endeavouring to unite every person in this country—hand and heart—to stand by an ally unjustly attacked, and to prevent, if possible, any further injustice being perpetrated against her. I think the observation of my right hon. Friend was a just one; but at any rate I hope that the noble Lord will take the advice given him by my right hon. Friend in a previous observation—that is to say, that he will not confound electoral purification with Parliamentary reform or the reconstruction of the Commons House of Parliament; and that in the Bill about to be introduced, care will be taken not to give to any class in this country an unequally large share of the representation, especially if that class already possesses an undue proportion of it. In my opinion, the noble Lord has hazarded a great deal in introducing this Reform Bill; and I should have thought it would have been wiser and safer, notwithstanding the pledges which the Ministers of the Crown have already given, if they had not proposed so exciting a measure as that of reform in the present state of affairs abroad. Moreover, I must say that I have considerable doubts, and I always have entertained considerable doubts, whether further reform in the representation of the people is either desired, or likely to be beneficial. Nay, more, I will go on and say that if you propose a Reform Bill at all, you are bound to make good two propositions before you can expect the Parliament of this country to adopt it. The one is, that you do not make any unnecessary change in the constitution of the State, unless you are convinced that there are grievances and abuses which cannot be redressed without such a change. Having established that (if you can establish it), the second proposition is, that when you make the change you propose, you must not introduce by it greater evils than those that you profess and intend to remedy. But, as I have already said, I do not wish to anticipate the discussion of this important question. I am sure that when the Bill is laid on the table of the House, it will have the consideration which its importance deserves; but I frankly own that I neither think the time convenient for the proposition of such a measure, nor do I think that the measure itself is at all required, for I doubt very much whether the constitution of Parliament will be really improved by further tampering with the distribution of the franchise, or by varying materially the

proportions in which the different interests are now represented.

Committee appointed, "to draw up an Address to be presented to Her Majesty upon the said Resolution:"—Lord Castlerosse, Mr. Hankey, Lord John Russell, Mr. Chancellor of the Exchequer, Viscount Palmerston, Sir James Graham, Sir Charles Wood, Mr. Sidney Herbert, Sir William Molesworth, The Attorney General, The Solicitor General, Sir John Young, Mr. Cardwell, the Judge Advocate, Mr. Wilson, Mr. Hayter, and Mr. Bouverie, or any Five of them.

Queen's Speech *referred*.

House adjourned at Eleven o'Clock.

## HOUSE OF COMMONS,

Wednesday, February 1, 1854.

MINUTES.] NEW MEMBERS SWORN.—For Clitheroe, Le Gendre Nicholas Starkie, Esq.; for Warwick County (Southern Division), Evelyn Philip Shirley, Esq.; for Clonmel, John O'Connell, Esq.

### BUSINESS OF THE HOUSE—LATE SITTINGS.

MR. BROTHERTON moved, "That if any new business be brought on after twelve o'clock at night, and a Member rises to order, and objects to the House proceeding with the debate, a division shall, without further discussion, be immediately taken on the question, 'That the debate be now adjourned,' unless the Mover of the original Motion agrees to its being postponed." He admitted that the proposal was not the very best that could have been made, but, under the circumstances, it was the best he had any chance of carrying. He should have preferred such a Resolution as that which he submitted, unfortunately without success, last Session—a Resolution rendering it obligatory on the House not to sit later than twelve o'clock at night; but as that Motion had not found favour with the House, he thought that the next best thing would be to propose such a Motion as he had now the honour to submit. He was sure that it would have a beneficial operation. Hon. Members must agree with him in the opinion that the practice of late sitting, so far from being discontinued, or even mitigated, seemed to be getting worse and worse. He had referred to the return of the number of hours

beyond midnight which the House had sat during the last five years, and he found that they had sat, in 1849, 76 hours after midnight; in 1850, 108 hours; in 1851, 86 hours; in 1852, 61 hours; in 1853, 133 hours; and it should be borne in mind that, on several occasions, they had sat three or four hours after midnight. It was scarcely necessary to cite the practice of foreign Legislatures. Every Legislature in Europe and America had the good sense to do its business by daylight, and it did appear to him monstrous that the British House of Commons should be the only Legislature in the world which conducted its business at such very late and unseasonable hours. He knew there was a feeling out of doors regretting this, and a feeling of just surprise that so few Members in that House should support the Motions which he continually brought forward, in the hope of rectifying the evil. He wished, however, to explain what was not generally understood. It was generally imagined that he could interfere at any moment to put an end to any Motion which might be introduced after twelve o'clock at night. People out of doors were led to suppose that this was possible, from what used to take place during the time of the predecessor of the present Speaker. It was the predecessor of the present Speaker who gave him (Mr. Brotherton) importance, because he could always catch his eye after twelve o'clock, and thus he was enabled to accomplish what he regarded as a great improvement in their mode of transacting business. But he enjoyed no such facilities at present. It was past his strength to endure the late hours, and to remain in the House to the close of its proceedings, as he had been once in the habit of doing. It was but natural to expect that whoever occupied the Chair would be disposed to incline towards the Ministers, who did not like to be interrupted in their proceedings, and were anxious to get through the business. But he had a confident anticipation that if the House would adopt the Motion he had now the honour to submit, it would be found to work most beneficially. It had been said that there was no Legislature in the world which had so much business to do as the House of Commons. He admitted it, and was convinced that the adoption of the present Resolution would have the effect of facilitating their proceedings. His object was not to retard the progress of public business,



but to save the time wasted in useless debates on adjournments after midnight, and to expedite business. In the efficient working of the system on Wednesdays they had a powerful argument in favour of the step which he now recommended. It was assuredly time that something should be done to put an end to an evil which was becoming more serious each succeeding Session. A friend of his during the whole of last Session, wishing to discharge his duty conscientiously, attended in that House every day, from the time the Speaker took the chair till the rising of the House; but his health was so shattered at the close of the Session, that his medical adviser had admonished him that he must discontinue the practice. He was anxious to do his duty to his constituency, but he found it impossible, except at the risk of his life, to remain in the House night after night, till, perhaps, three or four o'clock in the morning. The Motion which he (Mr. Brotherton) now submitted, had propriety and common sense to recommend it. Let the House try it for one Session, at all events, and if they found it did not work well, nothing could be easier than to recur to the old system. He had the strongest conviction that it would be found to operate most beneficially.

MR. W. WILLIAMS seconded the Motion. His hon. Friend had repeatedly brought this subject before the House, and year after year the evils which he pointed out had gone on increasing. It was now time that a stop should be put to them. Session after Session they found Bills brought in to amend former Bills which passed without due consideration at a late period of the night in former Sessions, and still other Bills to amend these amended Bills. The consequence was, that the statute books presented a mass of confusion which no lawyer could understand, and there was scarcely a case brought before the Judges in which they did not differ in opinion. A number of Bills—some of them of great importance—were brought in at a late period of the Session, and several of them passed after two o'clock, when forty Members, and often not forty Members, were present. It was most discreditable to the House to allow business to be conducted in this manner. If the private business of the country was so conducted, universal bankruptcy would be the certain consequence. A great deal of time might be economised by the introduction of a proper system. A great loss of time was caused by the intro-

duction of Bills which were never intended to be carried, and a vast loss of the public time was the consequence. There was a certain period of the Session when what was jocularly called "the slaughter of the innocents" took place; but it would be far better if no Bills were introduced which there was not a real intention of passing. He recollected the time when the interposition of his hon. Friend was almost effectual; but things had got worse, and it would require all the youthful energy of his hon. Friend to carry his point now. No Legislature in the world passed measures at so late a period of the night as they did. He recollected the passing of an important Bill by the Congress of the United States, in which a great defect was soon detected, and it was attributed to the circumstance that the Bill was passed at twelve o'clock at night. He hoped the House would agree to the moderate proposition of his hon. Friend.

Motion made, and Question proposed—

"That if any new business be brought on after 12 o'clock at night, and a Member rises to order, and objects to the House proceeding with the Debate, a division shall, without further discussion, be immediately taken on the Question, 'That the Debate be now adjourned,' unless the Mover of the original Motion agrees to its being postponed."

SIR JOHN PAKINGTON said, that the hon. Member for Salford (Mr. Brotherton) had introduced the Motion as a question of hours, but it seemed to him to involve a question of months. He could not help availing himself of this opportunity of again making a suggestion he had submitted to the noble Lord at the end of last Session, namely, whether it would not be advisable to revive the Committee which sat some few years ago to consider the forms and proceedings of the House. There was, no doubt, a good deal of force in what the hon. Member for Salford said about the hours at which the House was forced to transact business; but when it was constantly seen that when the month of June arrived, there were not less than thirty or forty orders waiting for decision, he thought the House would agree with him that it was impossible to dispose of those orders unless they were allowed to sit up occasionally to a later hour than the hon. Member desired. The hon. Member for Lambeth (Mr. Williams) had referred to that annual abandonment of Bills known by the name of the "massacre of the innocents," but he had more to complain of than that abandonment. He complained of

the indecent haste with which measures of very great importance were in the month of August last hurried through an exhausted House, when the Members were exhausted, not only by their long attention to their duties, but by the weight also of the duties—when many hon. Members had undergone so much physical exertion as to have been obliged to retire from town. Now, when they were at the beginning of the Session, and only a few days, if at all, earlier than usual, he would suggest whether the House should not systematically meet at an earlier period of the month of January. By that method at least three weeks of valuable time would be gained, the whole benefit of which, he thought, would be reaped at the end of the Session. He by no means blamed the caution of the noble Lord in not departing unnecessarily from forms which had so long been beneficially adhered to; but it was a question whether the public business had not outgrown the times at which the House sat; and so, instead of adopting the proposal of the hon. Member, he thought it would be better to appoint a Committee to revise the whole forms of the House.

LORD JOHN RUSSELL felt the inconvenience to which the House was subjected, from the necessity imposed upon them of sitting to very late hours in order to carry on the business of the country. It was not, however, at all just to say that Government wished to carry on their business at a late hour. The fact was, that when business was brought on by the Government, and agreed to by a large majority of the House, it must be supposed that it was business which it was important to settle. Last year important measures connected with our financial arrangements, and with the government of India, were brought forward; and the House having decided in favour of those measures, it was very desirable that they should be proceeded with and passed. It would, doubtless, be more convenient to the Government if they were able to proceed with their business at a quarter past four o'clock, and to get it done by twelve o'clock. But they were prevented from doing this by the delays caused by the various questions and Motions which the forms of the House allowed hon. Members to interpose, and which frequently hindered the Government business from coming on until a late hour of the evening. He thought it was desirable that they should not decide on the single proposition of his hon. Friend, but that they should have

before them such a plan as would secure what every one deemed desirable—that measures and Bills of great importance should meet with a fair consideration at a time when every one could attend. His hon. Friend proposed that if any new business—by which, he supposed, was meant any Order of the Day—was brought on after twelve o'clock at night, any Member might get up and have a division. But he did not propose that that division should be final, if it was in favour of the Motion being proceeded with; and thus, if a majority decided in favour of going on, there was nothing to prevent some Member or other having another division. So that, if the Motion were adopted, they might have an hour or an hour and a half in the beginning of the evening occupied with questions, the early part of the night taken up with long speeches upon some topic which excited great interest, and then, after that debate was over, they might have the discussion of every Order of the Day obstructed by a Member or Members who might only be supported by a minority of 50 against a majority of 250. He could not but think that the adoption of the Motion of his hon. Friend, taken by itself, would not lead to the attainment of the end he had in view. At the same time he felt strongly the objections which had been urged by the right hon. Gentleman who had just spoken (Sir J. Pakington), against the present mode of carrying on the business of the House. This had arisen from the multifarious subjects which were brought under the notice of the House, the number of which was every year increasing. That House was not like the Congress of the United States of America, which had in connexion with it a great many State Legislatures, doing, perhaps, two-thirds or three-fourths of the business which was brought before that House. It must be recollected that they had to deal, not only with the public business of this vast Empire, but also with the private business of each separate town. He thought it would be very desirable to have a Committee to consider the method of transacting business; and he thought it would be requisite to determine whether they would have separate Committees on public and on private business, or whether it would not be better to have a single Committee to deal with the whole subject. He believed that the deliberations of such a Committee would be attended with great advantage, both in the transaction of public and of private business.

*Sir J. Pakington*

Under the present system there was such an accumulation of business towards the end of the Session, that they were compelled either to sit to two or three o'clock in the morning to dispose of it, or neglect measures of great public importance. Nor could it be said that there was no demand for legislation. The Government had in the Queen's Speech mentioned various subjects on which they proposed to legislate during the present Session, but, nevertheless, complaints had been made that others were not included. Now, certainly it did not seem reasonable to say that the House must not sit late at night, and, on the other hand, to accuse the Government of not bringing in sufficient measures, although those that they did introduce were sufficient to occupy their time. He hoped that the hon. Member would not persist in his Motion. But if either he or the right hon. Gentleman (Sir J. Pakington), after consulting with the Members of the Government, would propose the appointment of a Committee in terms to which they could assent, he (Lord John Russell) would most readily agree to it, and if he were one of its Members, would give his best attention to the subject.

MR. HUME said, that nothing was so important as to begin well, and he was glad to see that they had begun well this Session. If they began now with the determination that July should close the Session, he felt satisfied that the business of the Session might be dealt with by that time. Allusion had been made to the Committee which sat three years ago, before which, M. Thiers had been examined as to the system in France, and other gentlemen examined as to the practice of the United States. One or two of the suggestions of that Committee had been adopted, but the rest of them had not been attended to. He proposed in that Committee, with a view to the saving of time, that no Member should be allowed to speak more than an hour except the mover, but he could only get one out of the seventeen Members of the Committee to second him. It was not because there were many subjects of consideration that time was lost, but because they were made party questions—because the debates were adjourned from day to day, and because the “great guns” of the House, as they were called, lay by to attack each other. He believed that the best decisions of the House were those which were arrived at at an early period of the evening. He thought it

would save a great deal of time if every debate was concluded in one night. He felt the effect of sitting up after 12 o'clock; he was not so well able to do that as he used to be, but still if the debate was to be concluded in one night he would remain up till it was finished. He did not think the appointment of a Committee at all necessary.

MR. WALPOLE thought that a Committee was desirable to enable them to judge which was the best mode of proceeding they could adopt. But in the meantime he would suggest, as a means of saving much time, first, that more business should originate in the House of Lords than was now the case. If, with the exception of those measures of taxation and finance which it was the peculiar province of the House of Commons to originate, the other branch of the Legislature proceeded at an early period of the Session to the consideration of other measures, those measures would come down to the House of Commons more ripe for discussion, whilst both Houses would be employed at the same time in forwarding the public business. The second suggestion was, that the consideration of the details and principles of Bills should be kept more distinct than was at present the case. He would suggest that the first two hours, from five to seven o'clock, should be devoted to the former class of business, and that the debates on the principles of Bills should follow. The hon. Member for Montrose (Mr. Hume) said that the “great guns” kept back. He supposed the hon. Gentleman meant by the great guns the leaders of Government and the Opposition. He (Mr. Walpole), however, thought it a very convenient course that they should be allowed to review at the close the facts and arguments adduced in the course of the debate, so that other Members might be the better able to form an opinion on the subject under discussion.

MR. J. E. DENISON could not concur in the view taken by the hon. Member for Montrose of the Committee which sat on the forms of the House a few years ago, for he thought it had occasioned a great improvement in their business. It was formerly the practice to adjourn debates to an excessive extent one upon another; and the public business had arrived at such a pitch that there were no less than five important subjects all under the consideration of the House at the same time, and all in process of adjourned debates. This was not only prejudicial to

the business of the House, but intolerable to the Members; and the result of the deliberations of that Committee was, that the practice of constantly adjourning debates had been very materially diminished, and the mixing of adjourned debates entirely put an end to. The late Sir Robert Peel had recommended the Committee not to apply to the House any restrictive measures, but rather trust to the good feeling and good taste of the Members to assist in the conduct of public business; and that was the reason why any exact limitation of time to which a Member might speak was not approved of by them. He argued, from the good that had been effected by that Committee, that the best results would follow the appointment of another.

MR. HADFIELD said, that a great deal of the time of the House was unnecessarily wasted. Last Session the important subject of the Government of India was postponed till seven o'clock by a discussion whether a hackney-coach driver had overcharged his "fare." It was impossible for the human frame to stand a continuance of labour from four o'clock in the evening to three or four in the morning. The weight of business was thrown on the last period of the Session. It was said that the formal Bills only were then introduced, but many of them were of a very important character. No Bill should be read a second time till it was printed and its contents known. He hoped his hon. Friend would divide the House, and ascertain whether the Members of the House were to work harder than any other class of Her Majesty's subjects.

MR. NAPIER said, the Motion before the House would be an imperfect and insufficient remedy of the evil complained of. He made a suggestion last Session which he thought would be an improvement on the Motion of the hon. Gentleman—namely, that no Irish business should be brought on after twelve o'clock. Certainly a great deal of Irish business was brought on after twelve o'clock. He did not know whether this was because the Irish Members were considered to be more sober-minded at that hour—but at all events the result was great delay and waste of time. It was quite true that Bills were brought in one Session to remedy the defects of measures passed the Session before; but in his opinion that evil would never be remedied till they had a Minister of Justice in the country. If those Bills which were matured were printed and laid on the table

at an early period of the Session, it would save much time.

MR. BROTHERTON, in reply, said, that the object of his Motion was to facilitate, and not to retard, public business. He did not propose to interfere with the progress of any business that had been commenced before twelve o'clock, but only to give an opportunity of preventing any fresh business being taken. There would be no loss but rather a saving of time by adopting his Motion. At present, repeated Motions of adjournment, with discussions upon each, might be made, and thus much valuable time was lost. But if his Motion was carried, the question would be immediately put upon any Member objecting to the House proceeding, and if the decision were against him, and in favour of proceeding, he would immediately bow to the decision of the House, and business would be resumed with a loss of not more than ten minutes. He might mention that he had carried this very proposition in the Committee to which reference had been made, by a majority of one.

The House *divided*:—Ayes 54; Noes 84: Majority 30.

#### THE QUEEN'S SPEECH—REPORT OF THE ADDRESS.

Report of Address *brought up*, and read.

MR. A. PELLATT said, he could not help congratulating the country that the subject of poor-law settlement had at length been taken up by the Government. Last Session he attempted to introduce a Bill, but was prevented from doing so; and Her Majesty's Government having determined to deal with the question, he had no other alternative than to leave it in their hands. At the same time, he must express his conviction that no Bill which did not provide for a considerable enlargement of the area of rating, and enabled the poor to remove at pleasure from one end of the kingdom to the other, would be satisfactory to the community. In some places there was a great scarcity, in others an excess of labour, and this was owing in a great degree to the present law of settlement. He trusted that in this respect the alteration would be an extension from the present limited space to the entire kingdom. He hoped, too, that the question of uniform rating would not be forgotten. As regarded the Reform Bill which was about to be introduced, he could not help saying that the ballot ought to be conceded. It was absolutely necessary for the purpose of getting rid of the



undue influence which was exercised over the poorer classes of society—an influence which practically deprived them of their freedom. With regard to the Ecclesiastical Courts, which had come down to them from the dark ages, the whole system had been loudly and justly complained of by the country. The canon law was an anomaly which ought no longer to exist, and he hoped soon to see it abolished.

*Address agreed to.*

To be presented by Privy Councillors.

Adjourned at half after Two o'clock.

## HOUSE OF LORDS,

*Thursday, February 2, 1854.*

MINUTES.] *Took the Oaths.*—The Lord King-  
ston.

### AMENDMENT OF THE CRIMINAL LAW— QUESTION.

LORD LYNTHURST said, that he wished to ask a question of the noble and learned Lord on the woolsack. Towards the close of the last Session of Parliament it was agreed, he thought, by their Lordships that the opinion of the learned Judges should be taken with respect to a Bill for the Amendment of the Criminal Law. He wished, therefore, to ask the noble and learned Lord whether those opinions had been taken, and whether he was prepared to lay them on the table of the House, and have them printed for the public information?

THE LORD CHANCELLOR said, that his noble and learned Friend was in error in supposing that it was by direction of that House that the opinions of the learned Judges were to be taken. It was, however, true that a communication had been made to the learned Judges on this subject—under these circumstances. Their Lordships would recollect that one of the Bills introduced by his noble and learned Friend, his immediate predecessor, was one for codifying—if he might use that expression—the criminal law relating to offences against the person. When that noble and learned Lord resigned the Great Seal, and it was entrusted to him (the Lord Chancellor), he inquired of the noble and learned Lord whether he would prefer to hand it over to him, for him to adopt it, or deal with as he and the Government might think fit, or to proceed with it himself: and the noble and learned Lord said that he was desirous of going on with the Bill himself—and he (the Lord Chancellor) need

hardly tell the House that he was glad the task should be in such able hands. His noble and learned Friend then introduced the Bill, and a Select Committee was appointed, of which the noble and learned Lord who had put this question, and the noble and learned Lord the Chief Justice, and indeed all the law Lords in that House, besides other Peers who took an interest in the matter, were members; and they went very laboriously through the subject for eleven entire days. The Committee, owing to circumstances to which he need not advert, did not, however, conclude their labours; but the Bill, in the form into which it had been brought, was printed. The gentlemen by whom the Bill had been prepared proceeded in the same way with other branches of the criminal law, and before the end of the last Session, he (the Lord Chancellor) laid on the table another Bill which they had framed, namely, a Bill for Consolidating the Laws as to Larceny. He confessed that during the summer, on looking attentively through the first Bill, after it had undergone all these different investigations, he thought it was still in an unsatisfactory state, and he now almost despaired of being able to get the Bill into a more satisfactory form. Generally speaking, however, it was as nearly perfect as they could expect such Bills on such a subject to be on coming up from a Select Committee; and he thought the course to pursue that would be most respectful to their Lordships, and most useful for guiding them as to how far it was expedient to proceed with such a Bill, was to send a letter to all the Judges during the long vacation, requesting them to give him their opinion on the subject; but feeling, on his return, that that was not sufficiently definite, he wrote a second letter, accompanied by that Bill and others, and requested them to look upon that Bill as being a specimen as nearly perfect as a Bill probably could be made in passing through Parliament, and to tell him whether, regarding it in that spirit, they thought the consolidation of the whole of the criminal law, arriving at such a degree of perfection as that Bill had attained, would be an improvement or otherwise; and he begged them further to tell him if any observation occurred to them on the details of that Bill. From nearly all the Judges he had received answers, and he should be ready to lay them on the table of the House; but he would rather delay doing so for a few days, because there re-

the indecent haste with which measures of very great importance were in the month of August last hurried through an exhausted House, when the Members were exhausted, not only by their long attention to their duties, but by the weight also of the duties—when many hon. Members had undergone so much physical exertion as to have been obliged to retire from town. Now, when they were at the beginning of the Session, and only a few days, if at all, earlier than usual, he would suggest whether the House should not systematically meet at an earlier period of the month of January. By that method at least three weeks of valuable time would be gained, the whole benefit of which, he thought, would be reaped at the end of the Session. He by no means blamed the caution of the noble Lord in not departing unnecessarily from forms which had so long been beneficially adhered to; but it was a question whether the public business had not outgrown the times at which the House sat; and so, instead of adopting the proposal of the hon. Member, he thought it would be better to appoint a Committee to revise the whole forms of the House.

LORD JOHN RUSSELL felt the inconvenience to which the House was subjected, from the necessity imposed upon them of sitting to very late hours in order to carry on the business of the country. It was not, however, at all just to say that Government wished to carry on their business at a late hour. The fact was, that when business was brought on by the Government, and agreed to by a large majority of the House, it must be supposed that it was business which it was important to settle. Last year important measures connected with our financial arrangements, and with the government of India, were brought forward; and the House having decided in favour of those measures, it was very desirable that they should be proceeded with and passed. It would, doubtless, be more convenient to the Government if they were able to proceed with their business at a quarter past four o'clock, and to get it done by twelve o'clock. But they were prevented from doing this by the delays caused by the various questions and Motions which the forms of the House allowed hon. Members to interpose, and which frequently hindered the Government business from coming on until a late hour of the evening. He thought it was desirable that they should not decide on the single proposition of his hon. Friend, but that they should have

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before them such a plan as would secure what every one deemed desirable—that measures and Bills of great importance should meet with a fair consideration at a time when every one could attend. His hon. Friend proposed that if any new business—by which, he supposed, was meant any Order of the Day—was brought on after twelve o'clock at night, any Member might get up and have a division. But he did not propose that that division should be final, if it was in favour of the Motion being proceeded with; and thus, if a majority decided in favour of going on, there was nothing to prevent some Member or other having another division. So that, if the Motion were adopted, they might have an hour or an hour and a half in the beginning of the evening occupied with questions, the early part of the night taken up with long speeches upon some topic which excited great interest, and then, after that debate was over, they might have the discussion of every Order of the Day obstructed by a Member or Members who might only be supported by a minority of 50 against a majority of 250. He could not but think that the adoption of the Motion of his hon. Friend, taken by itself, would not lead to the attainment of the end he had in view. At the same time he felt strongly the objections which had been urged by the right hon. Gentleman who had just spoken (Sir J. Pakington), against the present mode of carrying on the business of the House. This had arisen from the multifarious subjects which were brought under the notice of the House, the number of which was every year increasing. That House was not like the Congress of the United States of America, which had in connexion with it a great many State Legislatures, doing, perhaps, two-thirds or three-fourths of the business which was brought before that House. It must be recollected that they had to deal, not only with the public business of this vast Empire, but also with the private business of each separate town. He thought it would be very desirable to have a Committee to consider the method of transacting business; and he thought it would be requisite to determine whether they would have separate Committees on public and on private business, or whether it would not be better to have a single Committee to deal with the whole subject. He believed that the deliberations of such a Committee would be attended with great advantage, both in the transaction of public and of private business.

Under the present system there was such an accumulation of business towards the end of the Session, that they were compelled either to sit to two or three o'clock in the morning to dispose of it, or neglect measures of great public importance. Nor could it be said that there was no demand for legislation. The Government had in the Queen's Speech mentioned various subjects on which they proposed to legislate during the present Session, but, nevertheless, complaints had been made that others were not included. Now, certainly it did not seem reasonable to say that the House must not sit late at night, and, on the other hand, to accuse the Government of not bringing in sufficient measures, although those that they did introduce were sufficient to occupy their time. He hoped that the hon. Member would not persist in his Motion. But if either he or the right hon. Gentleman (Sir J. Pakington), after consulting with the Members of the Government, would propose the appointment of a Committee in terms to which they could assent, he (Lord John Russell) would most readily agree to it, and if he were one of its Members, would give his best attention to the subject.

MR. HUME said, that nothing was so important as to begin well, and he was glad to see that they had begun well this Session. If they began now with the determination that July should close the Session, he felt satisfied that the business of the Session might be dealt with by that time. Allusion had been made to the Committee which sat three years ago, before which, M. Thiers had been examined as to the system in France, and other gentlemen examined as to the practice of the United States. One or two of the suggestions of that Committee had been adopted, but the rest of them had not been attended to. He proposed in that Committee, with a view to the saving of time, that no Member should be allowed to speak more than an hour except the mover, but he could only get one out of the seventeen Members of the Committee to second him. It was not because there were many subjects of consideration that time was lost, but because they were made party questions—because the debates were adjourned from day to day, and because the “great guns” of the House, as they were called, lay by to attack each other. He believed that the best decisions of the House were those which were arrived at at an early period of the evening. He thought it

would save a great deal of time if every debate was concluded in one night. He felt the effect of sitting up after 12 o'clock; he was not so well able to do that as he used to be, but still if the debate was to be concluded in one night he would remain up till it was finished. He did not think the appointment of a Committee at all necessary.

MR. WALPOLE thought that a Committee was desirable to enable them to judge which was the best mode of proceeding they could adopt. But in the meantime he would suggest, as a means of saving much time, first, that more business should originate in the House of Lords than was now the case. If, with the exception of those measures of taxation and finance which it was the peculiar province of the House of Commons to originate, the other branch of the Legislature proceeded at an early period of the Session to the consideration of other measures, those measures would come down to the House of Commons more ripe for discussion, whilst both Houses would be employed at the same time in forwarding the public business. The second suggestion was, that the consideration of the details and principles of Bills should be kept more distinct than was at present the case. He would suggest that the first two hours, from five to seven o'clock, should be devoted to the former class of business, and that the debates on the principles of Bills should follow. The hon. Member for Montrose (Mr. Hume) said that the “great guns” kept back. He supposed the hon. Gentleman meant by the great guns the leaders of Government and the Opposition. He (Mr. Walpole), however, thought it a very convenient course that they should be allowed to review at the close the facts and arguments adduced in the course of the debate, so that other Members might be the better able to form an opinion on the subject under discussion.

MR. J. E. DENISON could not concur in the view taken by the hon. Member for Montrose of the Committee which sat on the forms of the House a few years ago, for he thought it had occasioned a great improvement in their business. It was formerly the practice to adjourn debates to an excessive extent one upon another; and the public business had arrived at such a pitch that there were no less than five important subjects all under the consideration of the House at the same time, and all in process of adjourned debates. This was not only prejudicial to

all the facts connected with this transaction, and more especially of a fact which strikes me as so important as this. Let us know whether a previous communication was made to Russia of a draft note, and her assent obtained to it, before any communication had been made to the Ottoman Porte.

**THE EARL OF CLARENDON:** I entirely agree with the noble and learned Lord that this House should be informed of every circumstance that has taken place; and your Lordships will find full information on all the facts in the papers. I shall always be most ready to give every information in my power. But I can merely repeat what I said before—that what is called the draft of a note was what was sent some time before by the French Government to St. Petersburg and to Vienna. The note was sent from Vienna to St. Petersburg with the assent of the English Government. There was nothing sent to St. Petersburg but a complete note, and not a draft note, from the Conference of Vienna, on the part of the four Powers; and I know of no other amendments being sent to St. Petersburg beyond those which I have stated were sent two days after the note.

**LORD LYNTHURST:** It is stated in the papers that a draft note was received at St. Petersburg, and that the Emperor assented to it by a telegraphic despatch.

**THE EARL OF CLARENDON:** That is exactly what I was stating, namely, that a note was sent from Vienna, and was assented to by the Emperor of Russia; and that, two days after that, some amendments, which consisted only of the alteration of two words, in order to make the meaning more clear and more acceptable to Turkey, were proposed by Her Majesty's Government and sent to Vienna, where they were assented to, and afterwards forwarded to St. Petersburg, and also assented to there.

**LORD BEAUMONT:** After the noble Earl's explanation, it is extremely difficult to understand the real state of the case; but, certainly, the impression on my mind now is a very different one from what I received from the noble Earl's explanation the other night. I understood the noble Earl the other night to have directly contradicted what has been constantly asserted, namely, that the Court of St. Petersburg had been consulted with regard to this note, and that the assent of that Court had been obtained to it before ever the Porte was consulted or made acquainted with the terms

*Lord Lyndhurst*

intended to be offered to it. I originally understood the noble Earl to state distinctly that, on the contrary, the note went simultaneously to the two belligerent parties—Russia and Turkey. But now, if I understand my noble Friend, the case is this, that the French Government drew up a note; that that note, with the consent of the Government of England, was sent to St. Petersburg and to Vienna; that perhaps—and there I draw a distinction—on its being received at Vienna a further communication was made of the French note from Vienna to St. Petersburg; that the Emperor of Russia refused to take any notice whatever of a note that came direct from France and England—refused to return any answer whatever to England and France, but consented to send an answer to Austria, because, as he says, he has accepted the good offices of Austria in the case; that then he gave his assent to the original draft, as if it had been addressed to him by Austria, though he knew very well that in reality it was drawn up by France; that after that Austria did not act solely and simply alone, as Russia wished her to do, but that she called together the other three Powers, and having submitted the matter to them they then agreed that this note, with certain modifications should be adopted; and that the amended note was then sent simultaneously to St. Petersburg and Constantinople. It seems that further alterations were then made, and were sent after the original note to St. Petersburg and Constantinople. It, therefore, seems to result from this—that no doubt the original draft, without the alteration, was communicated to St. Petersburg without being at all made known to the Porte; but that the altered note in its final state was simultaneously sent to the two belligerent Powers. Therefore, I ask my noble Friend distinctly this question, whether the French note, without any alteration, the simple French note, agreed to by the English Government in the first instance, was communicated to St. Petersburg without being communicated to the Porte?

**THE EARL OF CLARENDON:** Upon my word, at this moment I cannot answer that question of my noble Friend. It was no communication on the part of Her Majesty's Government—it was entirely done by the French Government, who communicated it, as I believe, to the Porte as well as to Russia; but on that point at this moment I cannot positively speak.

House adjourned till To-morrow.



undue influence which was exercised over the poorer classes of society—an influence which practically deprived them of their freedom. With regard to the Ecclesiastical Courts, which had come down to them from the dark ages, the whole system had been loudly and justly complained of by the country. The canon law was an anomaly which ought no longer to exist, and he hoped soon to see it abolished.

Address agreed to.

To be presented by Privy Councillors.

Adjourned at half after Two o'clock.

## HOUSE OF LORDS,

Thursday, February 2, 1854.

MINUTES.] Took the Oaths.—The Lord King-  
ston.

### AMENDMENT OF THE CRIMINAL LAW— QUESTION.

LORD LYNTHURST said, that he wished to ask a question of the noble and learned Lord on the woolsack. Towards the close of the last Session of Parliament it was agreed, he thought, by their Lordships that the opinion of the learned Judges should be taken with respect to a Bill for the Amendment of the Criminal Law. He wished, therefore, to ask the noble and learned Lord whether those opinions had been taken, and whether he was prepared to lay them on the table of the House, and have them printed for the public information?

THE LORD CHANCELLOR said, that his noble and learned Friend was in error in supposing that it was by direction of that House that the opinions of the learned Judges were to be taken. It was, however, true that a communication had been made to the learned Judges on this subject—under these circumstances. Their Lordships would recollect that one of the Bills introduced by his noble and learned Friend, his immediate predecessor, was one for codifying—if he might use that expression—the criminal law relating to offences against the person. When that noble and learned Lord resigned the Great Seal, and it was entrusted to him (the Lord Chancellor), he inquired of the noble and learned Lord whether he would prefer to hand it over to him, for him to adopt it, or deal with as he and the Government might think fit, or to proceed with it himself: and the noble and learned Lord said that he was desirous of going on with the Bill himself—and he (the Lord Chancellor) need

hardly tell the House that he was glad the task should be in such able hands. His noble and learned Friend then introduced the Bill, and a Select Committee was appointed, of which the noble and learned Lord who had put this question, and the noble and learned Lord the Chief Justice, and indeed all the law Lords in that House, besides other Peers who took an interest in the matter, were members; and they went very laboriously through the subject for eleven entire days. The Committee, owing to circumstances to which he need not advert, did not, however, conclude their labours; but the Bill, in the form into which it had been brought, was printed. The gentlemen by whom the Bill had been prepared proceeded in the same way with other branches of the criminal law, and before the end of the last Session, he (the Lord Chancellor) laid on the table another Bill which they had framed, namely, a Bill for Consolidating the Laws as to Larceny. He confessed that during the summer, on looking attentively through the first Bill, after it had undergone all these different investigations, he thought it was still in an unsatisfactory state, and he now almost despaired of being able to get the Bill into a more satisfactory form. Generally speaking, however, it was as nearly perfect as they could expect such Bills on such a subject to be on coming up from a Select Committee; and he thought the course to pursue that would be most respectful to their Lordships, and most useful for guiding them as to how far it was expedient to proceed with such a Bill, was to send a letter to all the Judges during the long vacation, requesting them to give him their opinion on the subject; but feeling, on his return, that that was not sufficiently definite, he wrote a second letter, accompanied by that Bill and others, and requested them to look upon that Bill as being a specimen as nearly perfect as a Bill probably could be made in passing through Parliament, and to tell him whether, regarding it in that spirit, they thought the consolidation of the whole of the criminal law, arriving at such a degree of perfection as that Bill had attained, would be an improvement or otherwise; and he begged them further to tell him if any observation occurred to them on the details of that Bill. From nearly all the Judges he had received answers, and he should be ready to lay them on the table of the House; but he would rather delay doing so for a few days, because there re-

mained one or two of the Judges who had not yet communicated with him—but he expected to receive their opinions in a few days. As soon as he had received the whole he would lay them on the table, in order that he might obtain the assistance of his noble and learned Friend, and other learned Lords, in determining whether, having regard to the opinions of the Judges, it would be wise to prosecute that course or not.

#### RUSSIA AND THE PORTE—QUESTION.

LORD LYNTHURST: I wish to put a question to the noble Earl at the head of the Government, arising out of what took place on Tuesday last, with respect to what is called the Vienna note—although, as I now understand, there is no Vienna note, properly so called:—for from the explanation given by my noble Friend the Secretary of State for Foreign Affairs (the Earl of Clarendon), it appears that the note was, in fact, a French note. Now the question I wish to put is this—whether the representation of the transaction given by Count Nesselrode, in his despatch to Baron Meyendorff of the 7th September, numbered 90 in the papers on the table, is correct? This representation is contained, not only in the despatch of Count Nesselrode, but is also given with considerable minuteness in a memorandum referred to in that despatch. Count Nesselrode in this despatch states that the draft of the note was in the first instance sent from Vienna to St. Petersburg for the approval of the Emperor of Russia; and that the Emperor assented to it without knowing at the time whether it met the approbation of the Courts of Paris and of London; that afterwards the note appeared to have come under the revision of England and France; and as the result of that revision, some alterations were made in it; that after the note had been thus altered, it was again sent to St. Petersburg. Count Nesselrode says that he considered the alterations not unimportant, but they were couched in terms, as he states, so *douce* as not to lead the Emperor to retract the assent he had given to the draft of the note. Then it was that the note was sent for the first time to the Porte. There is no doubt, therefore, that, with respect to the complete note—the *ultimatum*, as it is called by Count Nesselrode—it was sent simultaneously to the Porte and to St. Petersburg. But it appears, according to this state-

*The Lord Chancellor*

ment, that before the note was complete, a draft of it had been sent to St. Petersburg for the Emperor's approval, and thus, that although the complete note had been sent simultaneously to the Porte and to St. Petersburg, yet that in the course of the negotiation, and in the course of preparing the note, the draft in the first instance was sent to St. Petersburg for the assent and adoption of the Emperor. It is certainly somewhat singular that the draft of the note should, during the negotiation which took place respecting it, have been sent to one of the parties to whom it was to be proposed for his approval, and not sent to the other party—the Porte—and the more especially so as the note related to the sovereignty and independence of the Porte. I ask then, whether this statement of Count Nesselrode is correct, and if so, whether that draft of the note was sent to St. Petersburg with the assent of the representatives of the different Powers at Vienna, or whether the sending it was the sole act of the Austrian Government?

THE EARL OF CLARENDON: My Lords, I believe that to a considerable portion of my noble and learned Friend's statement I can best reply by repeating what I stated the other evening as to the origin of the Vienna note. The origin of that note was French. It was submitted—as I said here the other night—for the consideration and approval of Her Majesty's Government. Her Majesty's Government did not think it likely to be successful—did not think it likely to effect the desired object; but the French Government having expressed their wish to transmit the draft of this note—which was a kind of splicing together of the two different notes of Prince Menchikoff and of Reshid Pacha in reply—they having expressed a desire to send this draft of a note to Vienna and to St. Petersburg, Her Majesty's Government offered no objection to that proceeding. The note was accordingly despatched, and was shown to the Emperor at St. Petersburg. As I stated the other night, no objection was made to it, but no answer was given to it—because the Russian Government had at that time accepted or asked for the mediation of Austria, and it therefore said, that it would entertain no propositions except those which came from Vienna. A copy of the note was also sent to Vienna, and it was found to be in conformity with the proposition which Austria had made to the Porte at the time

that Prince Menchikoff left Constantinople. The Austrian Government then wrote to the Turkish Internuncio to know if some middle term could not be found between Prince Menchikoff's *ultimatum*, which had been rejected by the Porte, and Reshid Pacha's note, which was not accepted by Prince Menchikoff—whether some middle term could not be found, that would be acceptable to the Emperor of Russia, and would yet guard the independence and dignity of the Sultan. I say that this note was found to be in conformity with that which the Austrian Government desired; but the Danubian Principalities had at this time been occupied, and the Austrian Government, highly disapproving of that measure, thought it highly desirable that no step on such a subject should be taken, except in conjunction with the other Powers. The Austrian Government, therefore, thinking that it saw in this note a peaceful solution of the difficulties, asked the aid and advice of the other Powers. Count Buol accordingly called in the Ministers of England, France, and Prussia, and asked whether they would assent to this note, which there was reason to think, from the news of its having reached St. Petersburg, would meet with no objection on the part of the Russian Government. When our Minister was asked to assent to that note, he said he would very gladly agree to it if he thought that it was likely to prove acceptable to both parties, for that, of course, it was desirable that by that mode their differences should be settled. There were one or two alterations in the note suggested from Vienna through the telegraph, to which we agreed; and the note so agreed to by the four Powers was sent simultaneously to St. Petersburg and to Constantinople. But after the note was despatched to St. Petersburg, it occurred to Her Majesty's Government here, that one or two slight alterations might be made in it which would more efficiently mark and give effect to the intentions of the Conference, and that these propositions should be made to the Conference at Vienna, in the interest of the Porte, in order to render the note more acceptable to the Porte, and more adapted to secure the independence of the Porte, and, therefore, more in harmony with the intentions of the Powers. These amendments were at once adopted by the Conference, and transmitted by telegraph to St. Petersburg; and these are the alterations to which the noble and learned Lord alludes as being mentioned in

Count Nesselrode's despatch, as having been proposed in a mild and temperate tone, but the real object of which the Russian Government was perfectly aware of. I am now, of course, speaking from my recollection of dates some time back, and I cannot charge my memory as to minute details; but I believe that these alterations were sent to St. Petersburg after the note was on its way to Constantinople as well as to St. Petersburg. And these amendments were immediately adopted by the Russian Government, and the Conference was informed by telegraph that there would be no objection to them. When the note was despatched and on its road, and also when it went to Constantinople, there was no knowledge at Vienna that it would be accepted at St. Petersburg; but as soon as it was known at Vienna that the Russian Government agreed to the note, intelligence was sent on by telegraph to Constantinople that there would be no objection to it. I am not aware, my Lords, that there is any other point which I have to explain.

LORD LYNTHURST: Count Nesselrode says it was a draft note—a *projet de note*—which is translated in the papers “a draft of a note.” My question is whether this draft was sent in the course of the formation of the note not only to St. Petersburg but also to Constantinople. It appears to me, on reading Count Nesselrode's despatch to the Russian Ambassador at Vienna, and the papers accompanying it, that the draft note was sent to St. Petersburg in the first instance for approval, and that afterwards, when it was completed, it was then sent to St. Petersburg and to Constantinople contemporaneously; but there is no intimation that the draft was communicated to both Powers for approval, but only to Russia. I wish the noble Earl would read attentively the paper 90, containing Count Nesselrode's remarks on the draft note, because it is a most material fact in this case; my noble Friend has not answered my question. I wish to know if the draft referred to in Count Nesselrode's despatch was sent to St. Petersburg for approval, and not to Constantinople—and if so, whether it was sent with the concurrence of the four Powers, or by the authority of Austria alone? The reason why I put the question is, because I think, in a crisis like that in which the country is placed, it is of the utmost importance that unanimity should prevail on all sides of this House; and, therefore, it is essential that the House should be in full possession of

all the facts connected with this transaction, and more especially of a fact which strikes me as so important as this. Let us know whether a previous communication was made to Russia of a draft note, and her assent obtained to it, before any communication had been made to the Ottoman Porte.

**THE EARL OF CLARENDON:** I entirely agree with the noble and learned Lord that this House should be informed of every circumstance that has taken place; and your Lordships will find full information on all the facts in the papers. I shall always be most ready to give every information in my power. But I can merely repeat what I said before—that what is called the draft of a note was what was sent some time before by the French Government to St. Petersburg and to Vienna. The note was sent from Vienna to St. Petersburg with the assent of the English Government. There was nothing sent to St. Petersburg but a complete note, and not a draft note, from the Conference of Vienna, on the part of the four Powers; and I know of no other amendments being sent to St. Petersburg beyond those which I have stated were sent two days after the note.

**LORD LYNTHURST:** It is stated in the papers that a draft note was received at St. Petersburg, and that the Emperor assented to it by a telegraphic despatch.

**THE EARL OF CLARENDON:** That is exactly what I was stating, namely, that a note was sent from Vienna, and was assented to by the Emperor of Russia; and that, two days after that, some amendments, which consisted only of the alteration of two words, in order to make the meaning more clear and more acceptable to Turkey, were proposed by Her Majesty's Government and sent to Vienna, where they were assented to, and afterwards forwarded to St. Petersburg, and also assented to there.

**LORD BEAUMONT:** After the noble Earl's explanation, it is extremely difficult to understand the real state of the case; but, certainly, the impression on my mind now is a very different one from what I received from the noble Earl's explanation the other night. I understood the noble Earl the other night to have directly contradicted what has been constantly asserted, namely, that the Court of St. Petersburg had been consulted with regard to this note, and that the assent of that Court had been obtained to it before ever the Porte was consulted or made acquainted with the terms

intended to be offered to it. I originally understood the noble Earl to state distinctly that, on the contrary, the note went simultaneously to the two belligerent parties—Russia and Turkey. But now, if I understand my noble Friend, the case is this, that the French Government drew up a note; that that note, with the consent of the Government of England, was sent to St. Petersburg and to Vienna; that perhaps—and there I draw a distinction—on its being received at Vienna a further communication was made of the French note from Vienna to St. Petersburg; that the Emperor of Russia refused to take any notice whatever of a note that came direct from France and England—refused to return any answer whatever to England and France, but consented to send an answer to Austria, because, as he says, he has accepted the good offices of Austria in the case; that then he gave his assent to the original draft, as if it had been addressed to him by Austria, though he knew very well that in reality it was drawn up by France; that after that Austria did not act solely and simply alone, as Russia wished her to do, but that she called together the other three Powers, and having submitted the matter to them they then agreed that this note, with certain modifications should be adopted; and that the amended note was then sent simultaneously to St. Petersburg and Constantinople. It seems that further alterations were then made, and were sent after the original note to St. Petersburg and Constantinople. It, therefore, seems to result from this—that no doubt the original draft, without the alteration, was communicated to St. Petersburg without being at all made known to the Porte; but that the altered note in its final state was simultaneously sent to the two belligerent Powers. Therefore, I ask my noble Friend distinctly this question, whether the French note, without any alteration, the simple French note, agreed to by the English Government in the first instance, was communicated to St. Petersburg without being communicated to the Porte?

**THE EARL OF CLARENDON:** Upon my word, at this moment I cannot answer that question of my noble Friend. It was no communication on the part of Her Majesty's Government—it was entirely done by the French Government, who communicated it, as I believe, to the Porte as well as to Russia; but on that point at this moment I cannot positively speak.

House adjourned till To-morrow.



## HOUSE OF COMMONS,

Thursday, February 2, 1854.

MINUTES.] NEW WRIT.—For Ludlow, v. Robert Clive, Esq., Manor of Hempholme.

PUBLIC BILLS.—1<sup>o</sup> Metropolitan Sewers (Deptford Pumping Station); Assessed Taxes Act Amendment; Episcopal and Capitular Estates.

## EPISCOPAL AND CAPITULAR ESTATES.

THE MARQUESS OF BLANDFORD said, he now rose to move for leave to bring in a Bill to make better provision for the management of episcopal and capitular property. It would be in the recollection of the House that during the last Session of Parliament he obtained leave to introduce a Bill to provide for this object, and that he then entered at some length into the nature of the present management of this property, and of the alterations which he proposed to introduce. The approaching termination of the Session, however, rendered it necessary that he should withdraw that Bill, and on doing so he gave notice that he should take an early opportunity of reintroducing it in the present year. The Bill to the introduction of which he now asked the House to assent, was, with the exception of one provision, the same which he laid before them last Session. The only alteration he had made was the following. Representations having been made to him from different parts of the country where capitular property was situated, that a strong feeling existed on the part of many persons that the property should be applied to the relief of the spiritual wants of the districts where it lay, he had introduced into the Bill a provision giving any corporation, aggregate or sole, the right to apply their property to the augmentation of any rectory or living, from which they might be receiving tithes, or to making better spiritual provision for the district in which the property was situated. Having explained the details of the Bill on a former occasion, he should not then detain the House, but would reserve any further remarks which he might feel it necessary to make until the second reading of the Bill, which he would fix for a day sufficiently distant to give the House ample time for the careful consideration of the measure.

LORD JOHN RUSSELL said, that, on the part of the Government, he had no objection to offer to the introduction of the Bill, and for his own part he should be very glad to pay every possible attention to its details, when the noble Lord laid it

before the House. He thought the subject was a most important one, and he was glad to see the noble Lord devoting so much time and attention to it.

MR. HADFIELD said, he must express a hope that some provision would be made for applying this property to defray those charges for which Church Rates were now levied.

Leave given; Bill *ordered* to be brought in by the Marquess of Blandford and Mr. Kingscote.

Bill *presented*, and read 1<sup>a</sup>.

## NEW WRITS.

LORD JOHN RUSSELL moved that no warrants for new writs for Barnstaple, Cambridge, Canterbury, Kingston, Hull, Maldon, and Tynemouth, be issued before the 9th of March next. It was exceedingly desirable that the House should have full time to consider what remedy should be applied to the cases of these boroughs, the writs for which had been suspended in consequence of the appointment of Commissions to inquire into the alleged existence of extensive bribery and corruption. The Reports of all the Commissions, except that in the case of Tynemouth, had been printed and laid before the House, and it was in order that that Report might be in the hands of Members, and that the House might have an ample opportunity of considering the whole of these cases together, that he now moved the further suspension of the writs to the day he had named.

MR. FITZSTEPHEN FRENCH asked why the noble Lord fixed the 9th of March? The practice of withholding writs was unconstitutional and objectionable; and he thought it was highly desirable that the House should come to a decision as to whether the Government of the day should have the power to suspend writs from time to time.

LORD JOHN RUSSELL would have no objection to fix the 10th of March, if the hon. Member preferred that day. The reason he fixed the 9th of March was that that day was five weeks from the present date, and he thought that would be sufficient time to allow the House to consider the whole of the cases together. It would not be desirable that the House should adopt one course in the cases of Canterbury and Cambridge, the reports upon which were before them, and then, when they saw the other reports, adopt different measures with respect to the other boroughs.

MR. FITZSTEPHEN FRENCH said, that the explanation of the noble Lord was perfectly satisfactory.

SIR FREDERIC THESIGER suggested that no order should be made in the case of Tynemouth until the report of the Commission upon that borough was before the House; because, should it turn out that there was no case against that place, it would be rather hard that the writ should be suspended to the 9th of March.

LORD JOHN RUSSELL said, that he had put all the boroughs in the same list, because, had he not, there might have been questions raised as to the course that it was desirable to take in each instance. The report upon Tynemouth had not been printed, nor was he aware that it had been presented to the House; it was well known that no Commissions had been granted except in cases where there was good reason to suppose that there had been a good deal of bribery and corruption, and he thought that this fact was amply sufficient to justify the postponement of the writs until all these boroughs could be dealt with together.

*Motion agreed to.*

#### ASSESSED TAXES AMENDMENT ACT.

THE CHANCELLOR OF THE EXCHEQUER said, he would now move for leave to introduce a Bill to explain and amend an Act of the last Session of Parliament relating to the duties of Assessed Taxes. The object of this Bill was twofold. It was intended, in the first place, to correct two clerical errors in the headings of the schedules which had crept into the Act of last Session, and it was intended also to extend the time for surrendering compositions. The Act of last Session fixed the 10th of October, 1853, as the last day for doing this; but as it appeared that a number of persons had omitted to avail themselves of the opportunity thus given them, it was proposed, in accordance with former precedents, still further to extend the time.

Bill *ordered* to be brought in by Mr. Chancellor of the Exchequer and Mr. Wilson.

Bill *presented*, and read 1<sup>o</sup>.

#### PUBLIC REVENUE AND CONSOLIDATED FUND CHARGES.

The House having resolved itself into Committee,

THE CHANCELLOR OF THE EXCHE-

QUER said: I rise, Sir, to move for leave to bring in a Bill relative to matters of no inconsiderable importance, though they are matters with respect to which it will not be necessary that I should trouble the House for any considerable length of time, because the duty I have to discharge is one of a preliminary character, and the subject is one that derives its chief interest from its connexion with other subjects not appearing on the face of the Motion on the paper. It will be in the recollection of the House that on various occasions there have been discussions in this House with respect to that portion of our system of public expenditure and accounts in which it has been the practice both to defray the expenses of collecting the revenue out of receipts without the supervision and control of Parliament, and likewise to defray from those receipts, and before they have come into the Exchequer, a considerable variety of other charges. In conformity with what I think was the general feeling of the House, Her Majesty's Government intimated last year that they would be disposed to consider a plan whereby the estimates of the expenses of collecting the revenue might be submitted to this House along with the other estimates for the necessary service of the country. That pledge I hope to be able fully to redeem during the present Session, as regards the three great departments of the State—the “three great departments” I call them in regard to this description of expenditure—the Board of Inland Revenue, the Customs department, and the Post-office department. The estimates connected with those services are in a forward state, and they will be submitted to the House, I trust, on an early day. But it is obvious that, in proceeding to frame estimates of that kind it was necessary to take cognisance of all those other charges which it has been the practice to pay out of the revenue of the country previous to its being handed over to the Exchequer, and to dispose of them as might seem best. There is a great variety of those charges, including numerous pensions charged by Royal grant or Act of Parliament upon those revenues. Of those pensions I shall, I hope, chiefly dispose by the close of the month by paying them up; but till that is done, it will be necessary to make provisions for their being discharged in a proper manner. There is no reason in the world why they should be made the subject of annual votes of the House. They

appeared to belong to that class of charges which ought at once to be placed upon the Consolidated Fund. There are others which ought also to be placed on the Consolidated Fund—for example, the charges for the salaries of the Judges in Scotland. I do not say of the entire judicial establishment of Scotland, because I am of opinion that, except the salaries of the Judges, it would be much better that we should place the rest of that expenditure upon the estimates along with the corresponding charges for England and Ireland. I do not intend to go through a list of these charges, which are numerous, but only to point out the principle on which we shall proceed. The occasion of framing estimates for the expenses of collecting the revenue, raises the whole question of the better classification of the charges as between two branches of expenditure—the Consolidated Fund service upon the one hand, and the Supply service upon the other. I shall propose to place on the Consolidated Fund, or to retain on it, as the case may be, those particular charges for which it appears that that is a proper mode of provision; and, with respect to all other charges, I shall propose to place them upon the annual estimates. When that shall be done, I trust that great progress will have been made towards establishing a perfectly clear, comprehensive, and accurate system of public accounts. I am very far from saying that that is all that is to be done. There are some other changes that must follow; but much has already been effected by the labours of public men and of this House in former years, and I am quite satisfied that what remains to be done I shall be able to complete without much difficulty or much delay. Having, then, explained my intention, and since it is necessary, with the permission of the Committee, to bring in a Bill in which will be an enumeration indicating the manner in which I propose to deal with these subjects separately, I have no occasion to delay the Committee longer at this time. I am quite satisfied that the principle of the measure will have the approval of the House. Even if I were not going to propose to the Committee to vote by estimate the expense of collecting the revenue, this measure would still be reasonable and proper. It is occasioned by our contemplating other measures, but it stands perfectly clear upon its own grounds as a simplification of the public accounts, and as bringing the mode in which our

charges are defrayed out of the revenue more in harmony with the principle which should govern our finances. I beg to move the Committee for leave to bring in a Bill to alter the mode of providing for certain expenses now charged upon certain branches of the Public and Hereditary Revenues, and upon the Consolidated Fund.

MR. HUME said, that nothing could give him greater satisfaction than the step which the Government now proposed to take, for it was one of the things which he had been aiming at for years. In speaking to individuals on this subject, they had often answered him that the accounts were so complex that they could not understand them; but when the proposed alterations were carried into effect, they would be afforded the means of doing so. He hoped that the right hon. Gentleman would also lay on the table a schedule that would show the times of the proposed changes, the departments to which they were now charged, and those to which it was intended they should be changed. This would enable Members to see at once the class of charges, when changed, and where they were placed. This he thought would not be attended with any difficulty, and, as it must form a part of the Bill, it might as well come as a separate schedule.

MR. W. WILLIAMS said, he also begged to thank the right hon. Gentleman for having adopted this most important change in the mode of conducting the finances of this country. The subject of paying the whole of the revenue into the Exchequer, without subjecting it to deductions for various purposes, had been brought under the notice of successive Governments for years past, and especially under the notice of successive Chancellors of the Exchequer, but very little attention had been paid to it. He must, however, except the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), and do him the credit to say, that when he held the office of Chancellor of the Exchequer, on the subject being mentioned, he at once said, that if he continued in office for a sufficient length of time the whole of the revenue should be paid into the Exchequer; but certainly the merit of having carried this great financial improvement into effect was due to the right hon. Gentleman who now filled that office. This change would be a most important circumstance in the history of the finance of the country, though it could but be matter for astonishment that the House of Commons had so long abandoned one of its most important duties.

It had allowed 6,000,000*l.* or 7,000,000*l.* to be expended without having the slightest control over it, or even a knowledge as to whether the expenditure was right or wrong, just or unjust. He was, therefore, most thankful to the right hon. Gentleman for having adopted this most important change, which he was sure in any future history of the country would be spoken of as highly to his credit.

MR. DISRAELI said, he also approved of the Motion of the right hon. Gentleman, and he believed that he should have the pleasure of supporting it when the Bill was brought before the House. It attempted, in fact, to carry out, and he had no doubt efficiently, suggestions and propositions that had been made by the late Government, and which, had they continued in office, it would have been their duty to have carried out. He fully agreed in the opinion that it would prove of great advantage to the country.

Resolved—

“That the Chairman be directed to move the House, That leave be given to bring in a Bill to alter the mode of providing for certain expenses now charged upon certain branches of the Public and Hereditary Revenues, and upon the Consolidated Fund.”

Resolution *reported* :—Bill *ordered* to be brought in by Mr. Bouverie, Mr. Chancellor of the Exchequer, and Mr. Wilson.

#### THE QUEEN'S SPEECH—REPORT OF THE ADDRESS.

The Report of the Committee on the Address, in reply to Her Majesty's Speech from the Throne, was then *considered* and *agreed to*.

The House then adjourned at half-past Five o'clock.

#### HOUSE OF LORDS,

*Friday, February 3, 1854.*

Their Lordships met; and having transacted the business that stood upon the Paper, House adjourned to Monday next.

#### HOUSE OF COMMONS,

*Friday, February 3, 1854.*

MINUTES.] PUBLIC BILLS.—1<sup>st</sup> Thames Improvement; Glasgow Waterworks; Valuation of Lands (Scotland).

#### THE PETERBOROUGH ELECTION—PETITION.

MR. BANKES said, he now rose to present a petition from William Vergette and John Miller, electors of the Borough

*Mr. W. Williams*

of Peterborough, praying to be allowed to present a petition against the return of Mr. Thomson Hankey, the sitting Member. The circumstances under which this application was made were the following. It appeared that Mr. Hankey was seated by the Resolution of a Committee of that House only five days before the prorogation of Parliament, and consequently these parties had not, in accordance with the usual rule, an opportunity of presenting a petition within fourteen days after his return. He thought that this circumstance alone furnished sufficient ground for assenting to the prayer of the petitioners; although, if any further reasons were required, there were circumstances set forth in the petition which he thought should have great weight in leading the House to the same conclusion. He should therefore move that these parties have leave to present a petition against the sitting Member within nine days from the opening of the present Session of Parliament.

Motion made, and Question proposed—

“That the Petitioners have leave to present a Petition against the return of Thomson Hankey, esquire, within nine days from the commencement of the present Session.”

The ATTORNEY GENERAL said, he thought it highly desirable that the House should be put in possession of all the circumstances connected with this matter, in order that they might fully understand the nature of the step which the right hon. Gentleman proposed that they should take. It would be in the recollection of the House that last Session a petition, which was presented against Mr. Whalley, the then sitting Member, was referred to a Select Committee, which declared that he was not duly elected, and that Mr. Hankey ought to have been so. Consequently that Gentleman was substituted for Mr. Whalley. Mr. Whalley appeared by counsel before that Committee, Mr. Coppock being his Parliamentary agent. When the case against Mr. Whalley was proved, the counsel for that gentleman applied for an adjournment; upon which the counsel for the petitioner, Mr. Hankey, asked if it was intended to impugn the validity of Mr. Hankey's return should the Committee come to the decision of declaring him duly elected, in the absence of any opposition? Mr. Cook, the counsel for Mr. Whalley, replied in the affirmative; but subsequently, when the Committee met again after the adjournment, he declared that it was not intended to go on with the recriminatory



case, as he understood that it would be competent to the electors to present a petition against Mr. Hankey in the ensuing Session. Accordingly, on the meeting of the House, certain electors presented such a petition. When, however, it came before the examiner of recognisances, he declined to receive it upon the ground that it had not, in conformity with the rules of the House, been presented within fourteen days after Mr. Hankey's return. Upon that the present petitioners, who were proposed as the sureties for the petition so rejected, came before the House to complain that the examiner of recognisances had acted wrongly in refusing to receive the petition. He thought the House could not be of opinion that the examiner of recognisances was wrong in this, and he (the Attorney General) thought he had acted in strict accordance with the letter of the law. Every opportunity had been afforded to parties to go into the case of recrimination before the Select Committee, but they had declined to do so. The House would see from the Minutes of the Select Committee that the allegations of the present petition were untrue. It proceeded on the allegation that Mr. Coppock was fully instructed to go into the case of recrimination; yet, notwithstanding such instructions, the petitioners were informed that Mr. Coppock had ~~peremptorily~~ refused to go on with it. The Minutes showed that there was no foundation for such a statement; it was not the act of Mr. Coppock, but of the counsel who represented Mr. Whalley. The question then came to this, as the petitioners had not availed themselves of opportunities afforded them to go into their case before the Select Committee, were they now to be allowed to do so? As far as he was aware, there was no precedent for such permission, unless the Committee had made a Special Report for it to be allowed. In the present case the Committee had made no such Report, and although he must say that the House ought to afford every facility for inquiring into the manner in which Members had been returned, still he thought that something was due to the Members themselves, and, where parties had abandoned their opportunities of coming before the Select Committee to make out their case, a Member ought not to be harassed by repeated petitions. All were fully aware, in considering the incidents of any particular election, either on one side or the other, of the advantage of the whole

of the matter being committed to one and the same tribunal, and as, in this case, the parties had intrusted their interest to Mr. Coppock and counsel, who declined to go on with it, he did not think that the subject ought again to be reopened.

MR. MOWBRAY and MR. SCOTT, who had been members of the Committee, made statements of the proceedings before them, confirming the facts as stated by the ATTORNEY GENERAL.

MR. I. BUTT said, he did not agree with the opinion of the hon. and learned Attorney General. In this case the petition could not have been presented within fourteen days. In this instance no new return had been made, but the old one merely altered—which enabled the Member, under a technical objection, to escape from any inquiry being made into his conduct. The present petition was not the petition of Mr. Whalley, but of electors, who charged—though the House could not now judge whether truly or falsely—Mr. Hankey with bribery. They had had no opportunity of doing so, and he thought the House ought to afford them it. Another point raised by the hon. and learned Attorney General was that the allegations were not true; but there was one distinct allegation that had been confirmed in part by what the House had heard from one of the Committee, that the recriminatory charge had been withdrawn in direct opposition to the wishes of those most interested in the petition. It did appear to him that they were either bound to allow the parties to substantiate their allegations, or to receive the petition; he therefore begged leave to move as an Amendment, that the petitioners be heard at the bar of the House in support of their allegation.

MR. ROUNDELL PALMER said, that no good could arise from the course that had been proposed by the hon. and learned Member who had moved the Amendment. It seemed to him that many of the arguments that had been advanced had placed the matter on false grounds. It appeared to him not to depend on the question as to the fourteen days; that had nothing at all to do with it, for, supposing that it had been presented in the middle of last Session, the petition would have been as bad on the first day after the decision of the Committee as at any time after the lapse of the fourteen days. He thought that the House ought not to receive the petition; for a competent jurisdiction, appointed under Act of Parliament for the

purpose of investigating the whole question, and allowing ample opportunity to all who chose to come forward, had declared that Mr. Hankey was duly elected, and ought to have been returned. There was no precedent for allowing, after such a finding, that the House should again reopen the question; and, to appoint a Committee to inquire whether the decision of a former Committee were true or false, would be contrary to the spirit and letter of the Act of Parliament under which the Committee was appointed, as well as establish a precedent dangerous to every Member who sat in that House. In the case before them, the petitioners on behalf of Mr. Hankey had not only contested the right to the seat, but claimed it for him. It was therefore idle now to say that the present gentlemen were not parties to the former petition, and that no opportunity had been afforded them of bringing forward their case. Every person in Peterborough knew—for it was as patent as the light of day—that when the petition was before the Committee, then or never was their opportunity to inquire whether Mr. Whalley or another had been duly elected. Every opportunity had been afforded to parties, and, as they did not think fit to avail themselves of it, they ought not now, on every principle of law and common sense, to be allowed to bring forward a petition.

Amendment, by leave, *withdrawn*.

Main Question put, and *negatived*.

#### MERCHANT SHIPPING AND PILOTAGE.

House in Committee.

MR. CARDWELL rose to ask for leave to bring in two Bills—the first to give effect to that passage in the Speech from the Throne in which Her Majesty recommended them to remove the last remaining fetter from the free navigation of these realms; and the second to consolidate and amend the various laws which, since the repeal of the Navigation Act, had been passed for the benefit of British shipping. With regard to the second Bill it would not be necessary for him to trouble the Committee at any length. The consolidation to which it referred was intended to have been carried into effect by his right hon. Friend the Member for Taunton (Mr. Labouchere), and it had also engaged the attention of the right hon. Gentleman opposite, the Member for Oxfordshire (Mr. Henley). The measure which he should lay on the table would contain many changes, and be

*Mr. R. Palmer*

of no ordinary magnitude, but it related to subjects that had already undergone considerable discussion in that House, and affected matters that had already, in some degree, been disposed of by the House, or which had at least been much ventilated among those who were most interested in the questions at issue. He should endeavour to follow the advice given him the other evening by the hon. Member for Liverpool (Mr. Liddell) in reference to his conduct of the Bill, and should endeavour in the progress of the measure to obtain the opinions of those persons most competent to give advice upon the subject. On the second reading he should be able to ascertain those opinions, and the nature of any amendments which it might be desirable to introduce, and should then be enabled to decide whether the better course would be to refer the Bill to a Committee upstairs, or, following the usual course, to proceed with it in a Committee of the whole House. A measure like the present, he was convinced, could not be successful unless it was debated on both sides in an enlightened spirit. The magnitude of the measure and the multiplicity of its details, rendered it necessary that it should be considered with the utmost care and deliberation, by one or other of the courses he had pointed out; and he was sure that he might rely on all those interested to aid in the work of consolidation referred to, and to make it as perfect as possible. He should not, therefore, trouble the House at any length on that point, but would content himself with saying that the first part of the Bill would refer to the registry of ships and to the measurement of ships, and would contain a novelty which he hoped would be accepted—he meant the substitution of a new and more scientific mode of measurement than that at present used—a mode well known by the name of the person who had recommended it—Captain Moorsom—and which, while it served to maintain the same general average of tonnage, ascertained the contents of each ship with greater accuracy and fairness than the present mode, besides taking away all inducements for adhering to the antiquated models of construction, by giving an internal measurement, which, while it favoured the strength of the model, added to the safety of navigation. That mode of measurement had been referred to the consideration of the Assistant Surveyor of the Navy, the Naval Assistants of the Board of Trade, the Trinity House,

and, he believed, the Shipowners' Associations of London and Liverpool, and other bodies;—for it was only by a concurrence of nautical authorities such as these that a change of the kind could be carried through the House, since there were very few Members who could venture to say that they were able to discern the advantages that would follow from the adoption of this peculiar mode of measuring ships, or would like to hazard an opinion on a measure so purely technical. The next subject upon which he proposed to consolidate the laws related to the question of discipline—the law by which provision was made for the subordination of the crews to the masters, and for the comfort of crews themselves on board ship. That was a matter which had attracted particular attention during the last three years, and he had derived great advantage from the labours of his predecessor in office. In fact, when he entered office he found a Bill already prepared, and he had only to go over a work already accomplished. He had gone over it nevertheless, and had made some changes, which would of course be the subject of fair and dispassionate discussion. The next subject was one which he was sure could not be mentioned in the House of Commons without exciting the greatest sympathy and regret. He was sure that there was no one who heard him who did not lament those terrible catastrophes at sea of which, even within the last few days, they had unfortunately heard of so great a number. It would be their duty to consolidate, and, he hoped, to amend, the powers entrusted to the Board of Trade, for the purpose of limiting, as far as possible, occurrences of that kind. A particular change which he should propose in that part of the law would be this. It was known to the Committee that with regard to vessels engaged in the foreign trade, no master or mate could at present leave this country in a ship under the British flag, without having a certificate of their competency to be entrusted with navigable property, and with the lives of those entrusted to his charge. But no such provision existed with regard to the home trade. It was only reasonable, therefore, that with regard to the home trade—at least with regard to that part of the home trade which related to the conveyance of passengers—the same regulations should exist which were now in operation in the case of vessels engaged in the

foreign trade. If they had made provision for the survey of the hulls of vessels, and an examination of the engines which were placed on board, it was only right that they should have the same security for the good conduct of masters and mates of vessels on the shores of this kingdom, which was deemed necessary in the over-sea trade. The difficulty of making the inquiries which it was their duty to make in the case of accidents at sea, was exceedingly great, not only from the nature of the inquiry—from the number of accidents—but also from the time of the officers of the Board of Trade being so fully employed as to prevent their absence for such inquiries. He was happy to say that he had received communications from the Elder Brethren of the Trinity House expressing their willingness to assist the Board in inquiries of this kind. He should introduce one provision on the subject in the Consolidation Bill, and he hoped it would meet with the support of the House. The Committee were no doubt aware of the great and benevolent efforts which had been made by private individuals in establishing means of saving life in cases of shipwreck. There were upwards of 100—he believed there were 120—lifeboats belonging to societies of this kind, and in some places, so great had been the regularity and promptitude of those entrusted with them, that they had been the means of saving a great number of lives. There were arrangements at Liverpool, Yarmouth, Shields, and other places, which worked admirably; and to the Duke of Northumberland the country was much indebted for his praiseworthy exertions on this point. He had communicated on this subject with a gentleman whose zeal and ability in connexion with this matter were well known (Captain Washington), for the purpose of ascertaining whether it was not possible, at a moderate expense, to provide more abundant means of saving life at sea. He had considered, with Captain Washington, with the head of the coast guard, with the Deputy Master of the Trinity House, and the naval officers of the Board of Trade, whether, at a small expense, order, system, and regularity might not be enforced, where hitherto there had been neglect, irregularity, and confusion—thereby making the means of saving life more efficient. He therefore proposed to take from the funds at the disposal of the Board of Trade, a small sum to be appropriated for effecting this object; and

he believed that for this purpose a smaller sum would be sufficient than they should economise and save by the mere arrangements which were to be introduced with respect to the cost of collecting light-dues. To speak then in general terms, he proposed to consolidate the law with regard to registry and measurement—with regard to the discipline and the comfort and the safety of the mercantile marine—and also with respect to a subject which had been disposed of last year, he meant the question of lights and pilotage. He should give the utmost attention, in the endeavour to effect these objects, to any suggestions that might be made to him by any one in the House, or to those without its walls. The end he had in view was not so much to make great changes in the existing laws as to place them in a consolidated shape—in a shape which might render them more adequate to subserve the end for which they had been framed—the interests of that important part of the community who were more immediately concerned in that department of legislation. In the form of draught adopted for the printed Bill, he should endeavour to direct attention as much as possible to those parts which were new, and after time should have been given for considering its provisions, and a discussion taken on the second reading, there would be ample opportunity to put it into such a shape as might be most convenient for its further consideration by the House. The present measure was not intended to produce any great change in the law so far as the light-dues were concerned; and he thought it desirable that having stated that fact, he should give to the House some information with reference to the mode in which the various Acts passed upon that subject had operated since the close of the last Session of Parliament. Hon. Members were aware that an Act had been passed during the last Session by which the whole of the light-dues were ordered to be collected into one aggregate form, and to be placed under the administration of the Board of Trade. That Act came into operation upon the 1st of October. Now, after examining the state of the receipts and estimates for the coming year, in connexion with the fund in question, he was of opinion that in the exercise of the power vested in officers of the department over which he had the honour to preside, it was right to make a reduction in the light-dues. Accordingly, upon

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the 1st of January last, by an Order in Council, a remission to the amount of one-fourth had been effected in the whole light-dues of the kingdom. The receipts from the light-dues had formerly been 400,000*l.*, and it had been reduced, in compliance with the order to which he had just referred, by a sum of 100,000*l.* That was the first step which had been taken under the operation of the measure of last Session, but he hoped it would not be the last. At the time that measure had been carried, the light-fund stood in the following financial position. There was a balance to its credit at their banker's of 70,000*l.*, and the surplus for the coming year—all expenses having been deducted—had been estimated at 53,000*l.* A stop had been put to all future creation of pensioners, and when the lifeholders fell off a further surplus of 23,000*l.* would arise in consequence. He found that there were other expenses now incurred in connexion with the service, which it was desirable, as far as possible, to retrench, and which, in cordial co-operation with the different bodies, he was using his best endeavours from time to time to reduce. He hoped to be able at an early period to announce that these reductions had been carried into effect. Now, with regard to pilotage, he would only say in general terms that the contemplated union between the pilots of the Trinity House and the Cinque Ports pilots had been effected, and that regulations which had been made by the Trinity House in reference to the subject had come into operation. The reduction which had taken place in consequence of the union in question had been less in amount than had been first intended, because of the higher rate of wages in other callings, and the higher price of provisions; but in the case of steam-vessels, the reduction amounted to one fourth of the sum formerly expended. The House would perhaps remember that there had been also great difficulties with regard to the satisfactory arrangement of the pilotage system in the Bristol Channel, which arose not only from its legal position, but in consequence of the physical impediments which the nature of the Channel itself, which were greater than existed in any other part of the kingdom, placed in the way of any such arrangement. He ventured last Session to state to the House that he thought it highly probable that if Parliament invested that department of Government with which he was connected with a



mediatorial power, it would be able, without coercive measures, to effect an arrangement. He was happy, therefore, to be able to state that the two Members for Bristol, accompanied by a deputation from the body in whom the power of making the necessary regulations with respect to pilotage in Bristol is vested, had done him the honour of expressing their intention of acquiescing in any suggestions the Government might make after an inquiry conducted by the naval officers of the Board. He was therefore induced to believe that the difficulties to which he had referred had either been entirely overcome, or would very soon be effectually disposed of. With respect to the question of ballast, he was also happy to be able to assure those who took an interest in its settlement that their complaints were in a fair way of being redressed. He should next call the attention of the House to the subject of registry tickets. Hon. Members were aware of the importance of adopting adequate yet not oppressive or irksome means of effecting a registry of seamen, in order to establish a record of the identity and character of each of the persons who collectively make up the seafaring population of this country. The registry ticket, the means selected for the purpose, was very unpopular with the men, from the penalties imposed for infraction or neglect of the law; and upon the best inquiry that he could make from competent authorities, he thought it was quite as likely to increase the risk of desertion, by rendering deserters unwilling to return, as to check it. Acting, therefore, on the power with which the Board of Trade were vested by law, they had abolished the register ticket, and, of course, with it all the penalties to which it gave rise, having under the Mercantile Marine Act established those modes of registration which they believed would be quite effectual in regard both to the identity of the men, and their character. In the last Session of Parliament the Legislature had conferred a power which the British shipowner, ever since the repeal of the Navigation Laws, had considered himself entitled to possess, of manning the vessels of our merchant navy without distinction of nations among the individuals composing the crew. He felt sure that some hon. and gallant Friends of his in the House, who anticipated a great deal of evil from that reform, would be happy to learn that, up to the present time, no alarming symptoms of its injurious effects

had been manifested. His hon. Friend the Member for Liverpool (Mr. Liddell) had called his attention to the melancholy accident which had lately occurred near Dublin, and had invited him to state his opinion as to the causes which led to that unhappy event. Now, in his (Mr. Cardwell's) opinion, he should be doing wrong if he were in any way to anticipate the result of the inquiry which was now pending without in reference to the matter. He should not say one word, therefore, of a single circumstance in connexion with it, except so far as it appeared in the testimony which had been given before the coroner, and the verdict which had been pronounced by the jury. He was aware that certain parties had given testimony to the effect that it was to the fact that the crew of the *Tayleur* had been chiefly composed of foreigners, that her loss, and that of those who were on board her, was to be attributed. He had, however, also read the testimony given in the case by the master of the vessel, which was of an entirely opposite character, and, taking into consideration the verdict which had been pronounced by the jury, he could find no good reason for the statement that the loss of the *Tayleur* was owing to the fact that she numbered foreign sailors among her crew. We knew that 190,000 seamen sailed in the merchant shipping of this kingdom during the year just expired, being the largest number, he believed, that had ever manned our trading fleet. In the three months that elapsed since the Act passed, between the 1st October and the 1st January, there were between 2,500 and 2,600 foreigners only in that number. Hon. Members knew that the former Acts allowed one-fourth part of the whole crew to be foreigners; if, therefore, the whole number of foreigners for these three months had been but 2,500, he thought that fact might administer some consolation to those who had been so very apprehensive of the consequences of this reform. Two other subjects had occupied the attention of the Government, and he thought it would be interesting to the House to learn the progress that had been made on those heads. The House probably remembered that in the autumn of last year a communication had been received in this country from the American Government, inviting us to join with them in observations to be carried on for the purpose of constituting a new science in aid of the mariner, by noting down the nature and the

sent state of things. What became of the ballast which was brought to Newcastle from Dublin? It was thrown into the Tyne, and a great expense was incurred by the trustees of the Tyne navigation in sending it to the German Ocean. So that whilst it was impossible to procure a sufficient number of English vessels to bring the necessary supply of material, they had foreign vessels entering the Tyne in ballast, a commodity with which the banks were already laden to such an excess that the river commissioners had been latterly advertising for the construction of barges to convey the ballast to be deposited in the German Ocean. Such was the nature of the representations which had been made to him with reference to the inconvenience under which the inhabitants of Newcastle now suffered. It was with a view of obviating those inconveniences, and the consequent expenditure, as well as upon more general grounds, that he asked for leave to introduce the proposed measure. It was not very easy, perhaps, to say what would be the precise extent of benefit afforded by the operation of this measure; but he had obtained a return from the Customs, by which it appeared that foreign vessels to the amount of 415,000 tons—and the return did not give the whole—went in the year 1852 from one port of the kingdom to the other in ballast. He asked the House to liberate that commerce, and to afford to the people of England the advantages which must result from facility of transfer. He did not anticipate that any objection would be made to his Motion; but if the House would bear with him a few moments longer he would endeavour to show that no reasonable argument could be urged against its adoption. Tonnage had increased since 1849 to a great extent, and the wages which had been paid to sailors during the last year were greater in amount than had ever been paid before. During the last Session of Parliament it had been stated by some persons, who loved to deal in gloomy prognostications, that the youth of England would not enter into the naval service in requisite numbers. He had then taken occasion to observe that the number of apprentices had, at first, fallen off, but he had stated also that a great increase in their number had begun to take place, and that from the year 1850, when the number had reached a *minimum*, it rapidly became greater, as was demonstrated by the fact that while in 1852 only 5,800 entered

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the service, that number had been augmented by 1,000 more in the year 1853. Could we fail to seek for examples in foreign countries by which to judge of the results of which the changes which had been made in our navigation laws had been productive? In the year 1849 we had made the last great change in those laws. In a neighbouring country of great power now closely united to us by ties of amity—in the empire of France—no corresponding change in 1849 had been effected. What had been the result? A transit trade in French produce had sprung up between America and England, which in the year 1852 had been valued at 2,500,000*l.* sterling; which he believed, when the returns of 1853 were completed, would be found to have exceeded 3,000,000*l.* sterling. Thus those who were afraid of opening their trade to the world had, in consequence of having acted upon that fear, actually placed a trade the amount which he had just mentioned to the credit of this country. We lived in times when scientific discovery was daily increasing and extending the facilities for human intercourse. Our persons were conveyed with the velocity of the wind, and our thoughts transmitted, even beyond sea, with the rapidity of lightning. Was it not a time to abolish those artificial restrictions, created by law, which operated to impede the intercourse of man with man? In former years it might be said, your policy was tried under advantageous circumstances. In this year it had been exposed to the test of a severer trial—a scanty harvest and the fear of war. Yet we had seen our foreign trade nearly double the amount at which it stood eleven years ago, when first this policy began. The taxes had been reduced or remitted of late to an extent which was enormous, yet the sources of our revenue had become more productive than ever. We had just completed forty years of uninterrupted peace, and we might well reflect with satisfaction that we had not been unmindful during that period to cultivate the arts for whose cultivation peace presents the best opportunity. And if at the present moment a cloud unfortunately impended over our horizon, we might find matter for consolation in the consciousness that by a wise and enlightened course of conduct we had laid the foundation of great resources, and had fostered those feelings of amity and goodwill with which it was our desire to be regarded by all the nations of the world.

Mr. HORSFALL said, he did not rise for the purpose of taking exception to a single observation that had fallen from the right hon. Member for Oxford, but rather to express a hope that ample time would be afforded before the second reading of the Bill for a full consideration of its details. He should also venture to say, that he trusted the right hon. Gentleman would take care that provision should be made in the Bill to render any evasion of its enactments a matter difficult, if not impossible. He made that observation, because he had reason to believe that an evasion of the existing navigation laws had taken place within the last week in Liverpool. He alluded to the fact that a Russian vessel of between 400 and 500 tons burden had been transferred from the owners to a publican in that town for a nine months' acceptance upon a penny stamp. He had been led to understand that the vessel in question was fitted out for a voyage to Brazil, to be commanded in that voyage by a Russian captain, manned by Russian officers and seamen, and that it was intended she should sail under the British flag. That such circumstances as that to which he had just called the attention of the Committee should be permitted, was not, he believed, contemplated in the changes which had taken place in the navigation laws, and he trusted that in the measure which Her Majesty's Ministers were about to introduce in connexion with those laws, provision would be made to guard against the recurrence of such proceedings. The right hon. Gentleman had, among other things, made some observations with regard to the melancholy accident which occurred in the case of the ship *Taylor*. Now, in this vessel, instead of the large proportion of Lascars and Chinese that had been alleged, there were in reality only fourteen foreign seamen—a number which she might have carried under the old navigation laws. He was also happy to be enabled to state that the vessel was fitted out in the most perfect manner, that he saw her himself, and that in his opinion a more magnificent ship, or one better equipped, had never left the port of Liverpool. His correspondent had also informed him that her master had an extra first-class certificate, while the first mate had a master's, and the second mate an extra first mate's certificate. He did not wish to detain the Committee further, and should merely observe that he highly approved of the proposition of the right hon.

Gentleman opposite for suspending the system of registry tickets. That system might at the period of its introduction have had the effect of elevating the character of our seamen, but it had undoubtedly been instrumental in driving large numbers of efficient sailors into foreign service. He wished, however, to take that opportunity of calling the attention of Her Majesty's Government to the subject of apprentices. He was aware that the clause making it incumbent on shipowners to take apprentices had been repealed at the desire of the shipowners themselves. He believed, however, that it had not been a wise step, and that it ought to be re-enacted. He was sure those whom he had the honour to represent, would gladly co-operate with the right hon. Gentleman the President of the Board of Trade, in the endeavour to make this Bill as efficient as possible.

Mr. HUME said, he certainly never expected to hear so gratifying a speech from the Treasury bench as he had heard that night, remembering, as he did, the peculiar doctrines which had so often issued from that quarter. He need scarcely, however, say how sincerely he concurred in the expediency of removing the restrictions now under consideration; but, at the same time, he felt bound to say that he did not consider that his right hon. Friend the President of the Board of Trade had done all that was required; he had not yet got to the bottom of the subject. The tonnage law had long operated to the prejudice of British shipbuilding, and he fully approved of Captain Moorson's plan of measurements, charging the solid contents of the vessel instead of the outer capacity. But he would suggest to the right hon. Gentleman that the best course would be to get rid of the tonnage duty altogether, and charge for cargo, not for tonnage. Some time ago he had addressed a long letter to Lord Auckland, then at the head of the Board of Admiralty, suggesting that in all cases of shipwreck involving loss of life there should be an inquest held on the spot immediately. Lord Auckland entered into the project, and after some consideration issued an order that in all such cases information should be collected as speedily as possible by the public officers; but the noble Lord withheld from them that which he (Mr. Hume) had particularly desired—the power of taking evidence on oath. This regulation did not continue in force after Lord Auckland left power; but, from the returns which were made during its

existence, it appeared that in nine months no less than forty-five vessels were lost between the ports of London and Newcastle from inattention, drunkenness of the masters, ill-constructed compasses, deficiency in the charts, and such causes. It was exceedingly desirable that such a regulation should be re-established, for it was shocking to think that, while one unfortunate individual could not fall dead in the streets without an inquiry, some 1,200 or 1,500 souls might perish in a shipwreck caused by inattention or carelessness, without any investigation whatever. He would therefore press on the right hon. Gentleman to renew this rule, and to make it imperative to have an inquiry in every case of shipwreck attended by loss of life. The mode would be extremely simple, and would not involve any great expense, for we had public officers stationed at every ten miles on the coast, perfectly competent to hold such inquiries on the spot, and to ascertain all the circumstances from the survivors, and from other sources. A mass of information would then be collected, ready to be produced, to enable the Board of Trade to submit to Parliament legislative measures, if such should be thought necessary. The present state of things was certainly a reproach to this country, when it was considered that there was a body of 6,400 men stationed all along our coast, on every point, with able officers, capable of holding such inquiries, with the assistance, it might be, of two, three, or five jurymen, and thus collecting returns and information of the highest importance. Certainly some rule of this sort was necessary, considering the immense amount of loss of life there had been lately by shipwrecks. On that very day he had seen the intelligence of the wreck of another emigrant ship, with the loss of 120 souls, on the Canadian coast. There certainly must be something wrong in these emigrant ships which needed looking into, for there had been a greater waste of life among this class of ships than any other. There was no class of persons, he believed, for whose safety we were called on more imperatively to provide than the emigrants, and he pressed, therefore, on the Government the necessity of seeing that emigrant ships were sent to sea in a better condition than they had hitherto been. These two points, therefore—the abolition of the tonnage charges, and the necessity of an inquiry into all losses and accidents at sea—he pressed strongly on the attention of Government. With regard

*Mr. Hume*

to the question of lifeboats, he had always been of opinion that they ought to be supplied by the Government. If the dockyard establishments, instead of wasting their time in pulling ships to pieces, employed it in building lifeboats, so that Government might be able to furnish every station on the coast with one of the best description, their services would be more useful to the country. In rich and wealthy places, such as Liverpool and Yarmouth, where there was a large amount of shipping, there was no difficulty in providing lifeboats; but in poor isolated places along the coasts, where shipwrecks most often took place, there were no means of procuring lifeboats, though, probably, if once procured, there would be no difficulty in maintaining them. The Duke of Northumberland, when at the head of the Admiralty, much to his credit, had offered a premium of 100*l.* for the best lifeboat which could be produced, and, he believed, had had about 100 specimens sent in—that from Yarmouth, he believed, gained the prize. The next step which he (Mr. Hume) thought his Grace was about to take was, while he was at the head of the Admiralty, to submit to Parliament the propriety of supplying every station on the coast with a lifeboat; but, unfortunately, the noble Duke did not take advantage of his being in office to make the proposition. He was glad to hear the intentions of the Government with regard to the lightage, but he would prefer to see the light-dues taken off altogether. They were told there was a surplus of 70,000*l.*; but, in fact, the Treasury owed the light-dues at least from 380,000*l.* to 400,000*l.*, which the Government had charged upon the mercantile interest instead of taking upon themselves. He thought it was not right that the whole navy of England—and yachts, too, he believed—should have the benefit of these lights without paying for them, and that the mercantile navy should be compelled to bear the whole cost. Two Committees had sat upon the subject, one in 1835 and one in 1845, and if any hon. Member would take the trouble to read their Reports, taking into consideration the character and position of the men who formed them, he could not fail to come to the same conclusion as they had done—that these dues ought to be abolished altogether. It was a charge which the Government ought to take upon itself, for he held that the merchant of Manchester and Birmingham had as much right to pay for lightage as the shipowner. If well managed, the whole expense of the United Kingdom



not exceed 60,000*l.* or 80,000*l.* He thought a ship ought to go perfectly free from port to port, and all necessary charges be levied upon the cargo on loading or landing. It was on the goods that the charge ultimately fell, and by adopting this mode of levying it they would avoid all the disadvantages of indirect taxation. In conclusion, he had only to say that he perfectly approved the alteration made in the matter of pilotage.

MR. LIDDELL said, that in reference to the recent loss of the *Taylor*, it had been stated in the papers, though it appeared wrongfully, that the vessel was insufficiently manned, and it was evident that the public mind was impressed with the notion that such was the case. Seeing, then, such a statement made in the public press; looking, too, at the evidence given by many of the survivors—witnesses whose character for veracity seemed to be unimpugned—he could not but infer that great blame rested somewhere. In connexion with that allegation, he could not but remember the language which had been held by the hon. and gallant Member for Bath (Capt. Scobell), and other members of the naval profession, with respect to the consequences which might be apprehended from one of the Acts passed in the last Session. Under all the circumstances of the case, and after the other maritime disasters which we had recently had to deplore, he thought that he was justified in expressing a doubt whether the policy which that House had of late years pursued in respect of our navigation laws had been quite as successful as the hon. Member for Montrose would lead them to imagine; and when the hon. Member for Montrose took upon himself to utter a strain of triumph as to the indisputable success of all the measures which had been taken with regard to freeing the navigation of the country, he could not help thinking that these cases of shipwreck, which the hon. Member for Montrose himself acknowledged to be more frequent of late than had hitherto been known, might have arisen in some degree from the operation of that legislation, and he conceived he was perfectly justified in making the reply he had made to that hon. Member. If he had had more time he should have probably taken care to obtain more accurate information on the subject. The right hon. Gentleman (Mr. Cardwell) had laid great stress on the fact that the coroners' jury in their verdict had not attributed the loss of the vessel to the in-

adequacy or incompetency of her crew. But it appeared to him (Mr. Liddell) that the verdict of the jury could not be taken as conclusive upon that point, because the jury might be unwilling to give any decided opinion upon the subject in consequence of the conflicting nature of the evidence. His hon. Friend and Colleague, however, had stated that the number of foreigners employed in the ship had not been greater than the number who might have been employed if the change in question had not been made in the navigation laws; and if that were so, it afforded an abundant answer to his (Mr. Liddell's) argument, and he had only to express his regret at having caused any pain to the respectable men who were the owners of the vessel. There were other circumstances, however, connected with that loss which required further explanation; and he hoped that they would become the subject of careful investigation. The right hon. Gentleman the President of the Board of Trade had proposed that evening to introduce two Bills, one of which would repeal what might be termed the last rag of protection to the British shipowner, by throwing open our coasting trade to foreign vessels. Now, he wished the right hon. Gentleman would take an early opportunity of informing them what it was that constituted a British ship in the eyes of the law. For lucid as the right hon. Gentleman's speeches generally were, he had not cleared up that uncertainty. As he (Mr. Liddell) understood the matter, a ship built of foreign timber, commanded by a foreign captain, and manned by foreign seamen, would be entitled to all the privileges of a British ship if it were the property of a British subject. Well, we were at present, perhaps, approaching a period when the exigencies of war would demand all our skill and energy; and he earnestly hoped that the change then proposed to the Committee might not involve consequences of the most perilous character. He earnestly hoped that the spirit of the British seaman might not be injuriously affected by the unrestricted competition to which he would be exposed with sailors of countries in which public services were less liberally rewarded. He trusted, too, that in any step which might be taken in that important matter, the First Lord of the Admiralty, who was charged with the superintendence of our chief national defence, would be consulted, as well as the President of the Board of

Trade, who was charged with the supervision of our commercial marine, and that due precaution would be taken to provide both in the merchant as well as in Her Majesty's service a proper nursery for seamen in the shape of apprentices. If they did not proceed with due caution, the time might come when we should look in vain for that prowess which had heretofore made England the mistress of the seas; and perhaps in our eager search after gain we might lose, in the decay of the discipline and efficiency of our men, the main element of our national strength.

SIR GEORGE PECHELL said, he thought it very desirable that they should have some further information with respect to the causes of the loss of the *Tayleur*. The circumstances which had occasioned that loss were still enveloped in considerable mystery. From the inquiry that had recently taken place it appeared that the vessel, which was described as a remarkably fine and noble ship of 1979 tons, sailed from the port of Liverpool with a crew with which the captain declared himself perfectly satisfied. And yet this gentleman, notwithstanding he possessed a double-class certificate, stated at the coroner's inquest that, finding the ship placed in a bad position through the increased violence of the gale, he attempted to wear her round in going down the Channel, and was unable to accomplish his object under an hour, and not till the vessel had traversed a distance of five miles. Any Member of the House present at the naval review recently held off Spithead would be enabled to form an idea of this feat of the captain of the *Tayleur* by picturing to himself the distance between the main land and the Isle of Wight, and then imagining that space insufficient to enable a captain to turn a ship round. He could not but be clear, after such a statement, that some extraordinary circumstances must have occurred; and setting aside the variation of the compass, which was hardly worth noticing, the difference between the construction of wooden and iron ships might be a subject deserving inquiry. There was abundant proof of the entire failure of the *Tayleur*, in the captain having been unable, by the operation of tacking and wearing, to turn her round without occupying so long a time and so large a space as he himself in his evidence had described. Under all the circumstances he (Sir G. Pechell) sincerely hoped an inquiry might be instituted, and that some

Mr. Liddell

scientific gentleman would be enabled to describe the properties of such large and enormous vessels as the *Tayleur*—vessels which, so far as our present experience went, seemed to lead to nothing but confusion, and to inflict a great loss upon the commercial interests of the country. He congratulated his right hon. Friend (Mr. Cardwell) upon the introduction of the measures he proposed for the consideration of the Committee, and he could conceive no danger to the mercantile interests of the country in the removal now of restrictions upon trade and navigation that ought to have been removed long ago. He had voted in the minority at the time of the alteration of the navigation laws with regard to the manning of vessels, and he was gratified to find that his views had since met with the approbation of that House. He believed he had shown the hon. Member for Liverpool that the loss of the *Tayleur* was not owing to the foreign seamen on board; and if the hon. Member could do anything to elucidate the mystery in which the loss of that vessel was at present enshrouded, he would be doing a great service to the country.

MR. HENLEY said, that although he had altogether disapproved of the measure by which the navigation laws had first been repealed, he had at the time stated that he did not understand on what ground the coasting trade could be excluded from the operation of the change. As he had formerly expressed that opinion, he had nothing to object to the proposal upon that subject then under the consideration of the Committee. There was no doubt, too, that the case in favour of such a proposal had since been very much strengthened by the enormous demand that had sprung up for shipping to carry emigrants to the newly-discovered gold regions. He believed that as long as the yield of gold continued undiminished, that demand would remain unchanged; and there was reason to believe that, while the demand existed, neither ships nor seamen could be got in sufficient numbers for the ordinary purposes of trade. He should take that opportunity of expressing his surprise that there had not of late been a greater addition to the number of apprentices. He should have thought that, as the price of labour had increased, ship-owners, like other tradesmen, would have endeavoured to obtain the assistance of apprentices, not only on the ground of economy, but because they could always command their services. It appeared that there

had of late been some increase in the number of apprentices; but it also appeared that their number did not reach anything like the number under the old compulsory system. He had further to state, that he much feared a sufficient number could not be got under the voluntary system. With respect to the lifeboats he should observe, that he could not collect from the statement of the right hon. Gentleman the President of the Board of Trade, whether he meant that the Government should supply those boats, or that they should merely regulate the use of boats supplied by private benevolence. He hoped that, if the latter course were the one to be pursued, the Government would take care not to discourage by their regulations those private efforts on which they meant to continue to rely. He was glad to hear from the right hon. Gentleman that it was the intention of Her Majesty's Government to encourage nautical schools, which would afford an opportunity to the younger classes and boys of getting on in their profession, primary education being absolutely essential in that point. There was another subject to which he could not help adverting—namely, the system of levying passing tolls at the various ports, the proceeds of which were not strictly applied for the benefit of the shipping exclusively. He hoped the Government would not omit or overlook the claims made by the various corporations in that regard. It really was a question that should be looked to, because it was an absurdity to have these corporations levying tolls for purposes to which the proceeds were not always applied. He would also express the satisfaction he felt at the promised abolition of the seaman's register ticket, as, in his opinion, a greater curse or nuisance never was devised than the register ticket. The system had turned out quite useless, and the sailors regarded it as a naked and unmitigated evil. With regard to the proposal to consolidate the laws affecting the mercantile marine, there could be no doubt that the completion of such a measure would confer a great benefit upon the shipping interest, and he should be happy to afford every assistance in his power in making such consolidation as complete and as perfect as possible. He was glad to hear, also, that a reduction of the light-dues was contemplated; but it was due to the Trinity House to state that the corporation always acknowledged that the revenue was increasing, and that the buoyancy which existed in them, notwithstanding previous reductions,

had led to the expression of their opinion that other reductions would be made from time to time.

MR. LABOUCHERE said, he had observed with great satisfaction the reception which the Committee had given to the proposal of his right hon. Friend. The total absence of party spirit and the general desire which had been evinced to co-operate with the Government in endeavouring to accomplish the great national object of amending, consolidating, and improving the laws which relate to the mercantile marine, would, he was confident, prove highly satisfactory to the country. Both the Bills went in the same direction of previous legislation on the subject, and he hoped he should not run the risk of exciting any feeling hostile to the unanimity which seemed to prevail in the Committee if he ventured to express the pleasure which he experienced at observing the marked and altered views which the other side of the House now entertained with regard to the removal of restrictions upon commerce. The most important of these two measures was undoubtedly that one which proposed to admit foreign ships to the coasting trade of this country. His right hon. Friend had stated truly that when he (Mr. Labouchere) had the honour of presiding at the Board of Trade, and of proposing to repeal the navigation laws, he intended to have thrown open the coasting as well as the foreign trade, but some apprehensions felt by the Customs department induced him to abandon the former part of his measure. He could not then, nor could he now, imagine how the foreigner was to outrival us in the coasting trade; he could understand some apprehension of this sort being entertained with regard to the foreign trade, but certainly not with reference to the coasting trade, and he was glad to find that upon further consideration the Customs department had been induced to abandon their objection, so as to allow the work to be completed which he had the good fortune to commence. Our coasting trade must always of necessity remain almost exclusively in the hands of British ships and British sailors. As for the other Bill which his right hon. Friend proposed, for consolidating all the laws relating to the mercantile marine, he knew that it would accomplish an object which those connected with the shipping interest had long had in view, and which, when attained, he believed would be of no small value and importance to the country. He would observe, how-

ever, that his right hon. Friend, in consolidating the law, also intended to make many alterations in the law, and the only fear that he felt was, whether it was possible to achieve the two objects in the same Bill. Nothing was more difficult than to consolidate a great number of Acts of Parliament, and at the same time to amend those Acts; and in order that nothing might stand in the way of passing this salutary measure, he would take leave to suggest to his right hon. Friend the expediency of disposing of the Amendments in the law by one Bill first, and leave the consolidation of the law to be dealt with in another Bill at the end of the Session, when it could be disposed of simply as a Consolidation Bill without any discussion or objection being raised to it. There were one or two points which had incidentally arisen in the course of the debate, upon which he was desirous of saying a few words. He was glad to learn that it was proposed to encourage nautical schools; but at the same time even that step must be taken with some degree of caution, or it might interfere with the voluntary system which had sprung up since the passing of the measure providing for the examination of captains and mates engaged in the foreign service of the mercantile marine. Since that measure was passed, private schools for imparting nautical knowledge of a superior class had been established all over the country; and since it was the good effects which resulted from the voluntary examinations which took place at similar institutions on the east coast, which first suggested the idea of public examinations, he should be sorry to see anything done that would interfere with these private efforts to promote nautical education. He was also informed that in the City of London schools had sprung up where young men entering the merchant service received an excellent education; and he hoped that, in anything done by his right hon. Friend to promote our mercantile marine, he would take great care not to do anything to counteract those private efforts now going forward; but that, on the contrary, he would be rather disposed to aid and assist them. There was another point which had been slightly touched upon, and about which he confessed he should be glad to hear some explanation from his right hon. Friend. It would be remembered that last Session he ventured to express some doubt with regard to the measure which the Government then introduced for altering the mode of man-

*Mr. Labouchere*

ning the mercantile marine, and which did away with those restrictions that had theretofore been placed upon the character of a British ship. By that alteration in the law, a vessel which belonged to a British subject might have all the character and enjoy all the privileges of a British ship, although she was manned by a foreign crew, and commanded by a foreign captain; and while the alteration was being made, he ventured to express his doubts at the wisdom of the change, not arising from the fear of the hon. and gallant Member for Bath (Captain Scobell) that it would interfere with the wages of the British seaman, but from an apprehension that, in case of a maritime war, we might find foreign vessels claiming the protection of the British flag, and thus involve us in disputes with foreign States, which it might be exceedingly difficult to get out of. His doubts, however, upon that score were partially if not wholly removed upon learning that Dr. Lushington, who it must be admitted was a great authority on the question, had stated it to be his opinion that he at least entertained no such apprehension, and therefore he was induced to withdraw his opposition, and at once to acquiesce in the Bill. But he was the more induced to advert to the subject again from a paragraph which he had seen in the newspapers, and which had already been referred to by the hon. Member for Liverpool (Mr. Horsfall), to the effect, as he understood, that under the apprehension of a war with Russia, a certain Russian ship, at Liverpool, had been suddenly transferred to an English purchaser, who had been so accommodating as not only to take to the ship, but to take to the captain and crew of this ship, and both men and ship were now to all intents and purposes an English crew and ship. No doubt the attention of the Government had already been directed to this subject, and it would no doubt be satisfactory to the Committee if they could hear that nothing had taken place which could at all shake the views which the Government expressed last Session, namely, that we should not find any difficulty in the change even in the event of a war. He need not trespass any longer upon the time and attention of the Committee further than to repeat that he had heard with great satisfaction the statement of his right hon. Friend, and to say he thought all the measures prepared by him appeared to go in the right direction. He had no doubt that the details of those measures would



be fairly considered by the shipping interest, while he believed that that House could not employ itself more usefully or more honourably, or in a manner more calculated to gain the confidence of the public, than by doing all it could, by fair and honourable means, to promote and encourage the great maritime interest of the country.

ADMIRAL WALCOTT: It is clearly evident to me that the right hon. Gentleman the President of the Board of Trade has given the resources of a powerful mind to the consideration of the several objects embodied in the Bill which he has just laid on the table of the House. I respond to the observation, that some of his naval friends have raised strong objections to the policy of repealing the clauses 12 & 13 *Vict.* in the Merchant Shipping Bill. I sincerely hope that he may realise every anticipation which he entertains in his second proposition for the repeal of the laws affecting the coasting trade. But it is with considerable regret I collect from his speech that no nation is willing to adopt that policy which he proposes for this country as a measure of reciprocity. I repeat the misgiving which I before expressed in respect to the repeal of the 12 & 13 *Vict.*, which clauses obliged the crews of merchant ships to comprise as three-fourths of their complement British seamen. This proposition I consider as the insertion of a second wedge tending to break up the mercantile maritime ascendancy of the country, and to bring the national flag into disrepute. I then admitted that a handful of foreigners might be advantageously employed in our merchant ships, the master being British; but to place British cargo, British capital, and British honour in the keeping of foreigners alone, I considered unwise, impolitic, and unsafe. They should be confided to British hearts and British heads. Was it reasonable, or could it be reasonable, to suppose that a motley crew of men, gathered out of all nations, civilised and uncivilised, without one bond of union in common either of language, country, or national faith, from the master to the cabin boy—a mere heterogenous mass—could be formed into a subordinate or disciplined crew, with no other emblem to control it than a few yards of coloured bunting? I would strongly impress on the Government the paramount necessity of taking effectual precautions to prevent vessels going to sea without a sufficient number of seamen on

board; by seamen, I mean those capable of performing the many duties of seamen, and who, in the hour of danger and difficulty, have nerve to meet its obligations—at present many do not know the stem from the stern. I yield to no one in sympathy for the melancholy loss of life which has lately been sustained in the recent case of the *Tayleur*; but when I reflect on that disastrous occurrence, another feeling rises more prominently than commiseration—thankfulness that it was a peculiar and isolated instance, that of the many women and children who were on board that ship, with scarcely an exception, the entire number perished. From time immemorial it has been the proud boast of the profession to which I have the honour to belong, that all regard of self has been absorbed in the ennobling effort to give succour to woman in distress and danger. Upon only one other point will I now comment, and that is to express the satisfaction with which I have heard from the right hon. Gentleman that there has a large increase of apprentices in the merchant navy during the last year. The abolition of the apprentice system I considered to be the most pernicious course which could have been taken for the shipping interest. To make a seaman is not the work of a day. Boys are received on board as apprentices, and at once inured to the duties which they would be hereafter called upon to perform; early habits of self-confidence are instilled, and eventually, having gone through the successive grades, they become efficient seamen. Hundreds of men who entered that service as apprentices are now in command of merchant ships trading to all parts of the world with honour to themselves and credit to their country. I conclude by expressing my hope that the right hon. Gentleman will, if not in full, at least in part, re-enact a system which I am persuaded is the most beneficial for the shipowner, and conducive to the stability of the mercantile navy; as it is it appears to me the owners trust more to insurance than to the confidence which they ought to repose in the master and crew.

CAPTAIN SCOBELL said, he was one of those who had already predicted that the natural consequence of throwing open the foreign would be to open the coasting trade, and he was not at all sorry that his prediction was about to be realised so soon. After the opening of the foreign trade the register ticket became of no use whatever; before, the seamen thought it was some

security for them against the employment of foreigners, but directly the Legislature sanctioned the unlimited employment of foreigners in the mercantile marine, the register ticket became worse than useless, and he was rejoiced to find that now it was to be thrown completely overboard. There was a law for ascertaining the efficiency of the master and the mate, but there was none for discovering that of the crew, and he concurred with the gallant Admiral who had just sat down that the time had arrived when this inconsistency ought to be remedied. A good deal had been said about the loss of the *Tayleur*; but he had no doubt that, when the truth became known, it would turn out that the crew was a bad one, and he hoped something would be immediately done to prevent the lives of emigrants being in future sacrificed by hundreds to such a disgraceful cause as the want of a sufficient number of men, or the inefficiency of the crew. He approved of the proposed alteration of the law, so far as it related to apprentices. Before the old system was abolished, there were never less than from 10,000 to 11,000 apprentices entered in the merchant service every year. Indeed, the year before the alteration, there were no less than 34,000 apprentices in the service, while last year there was not half that number in it; nor were the new entries at all equal to former years; they were, in fact, only 6,000. Now it was impossible to man the merchant service unless they re-enacted the apprenticeship law. As well might the farmer expect to reap without sowing; and instead, therefore, of discouraging the apprenticeship system, the Legislature should do all in its power to encourage it. It was impossible to man the Navy without a succession of apprentices. He also thought that a sufficient number of lifebuoys around the coast ought to be provided by the Government. He fully agreed with the right hon. Gentleman the Member for Taunton (Mr. Labouchere) in the danger of putting the British flag under the command of men who did not belong to it. A merchant vessel, manned by foreigners, but sailing under the British flag, might be insulted or have a dispute with an American or Spanish ship, and then the Government must resent the insult. He could not agree with the hon. Member for Montrose (Mr. Hume), that Her Majesty's ships ought to pay lighthouse dues. You might as well ask the police to pay the police rate. The whole service of Her Majesty's ships had for its

*Captain Scobell*

object the protection of the trade and commerce of the country. A ship often had a line of coast to protect, in the performance of which duty she might have to pass a lighthouse every day. To make Her Majesty's ships pay lighthouse dues would not be possible, and, if it were possible, it would not be wise. He was afraid the First Lord of the Admiralty found that seamen were coming very slowly in, and landsmen would not do, for seamen would not come if there were too many landsmen, since the work was then never equally distributed. It was rare that a man ever became a sailor who did not go to sea until he had reached the age of manhood, and this was another reason for encouraging the apprenticeship system.

MR. PHILIPPS was understood to suggest that vessels engaged in foreign or colonial trade should be compelled to leave Milford Haven instead of Liverpool, as by so doing they would avoid many of the risks to which they were exposed in getting clear of the coast of Ireland.

MR. INGHAM said, that a lifeboat service and an examination of masters engaged in the coasting trade, had both existed in the port of Shields for many years; but these precautions on the part of the ship-owners did not prevent wrecks, large numbers of which continued to take place upon the eastern coast. What was wanted was a harbour of refuge upon that coast, for there was nothing between the Humber and the Tyne where vessels in certain states of the wind could go with safety. He entreated the attention of the Government to this subject, and also to the necessity of making some provision for holding coroners' inquests in the case of shipwrecks. It was his firm opinion that it would be most desirable that in these cases there should be a coroner who should have the power of holding a prompt examination before the discovery of a single body. It was of the utmost importance, and he would suggest to his right hon. Friend the President of the Board of Trade, that there should be some alteration in the constitution of coroners' courts to meet cases of this description. At present it was well known that the only condition on which they could assemble was the finding of the body on which the inquiry was to be held, and that very circumstance rendered them inapplicable in many cases in which their services would be more than usually valuable. This was a suggestion which had occurred to his mind, and, doubtless, to many Gentlemen

who sat on the Committee last year, the object of which was to inquire into the causes of accidents in mines. Frequently, in cases of explosions in mines, the state of the mine was such that no person could descend, and the bodies were not found for a long time afterwards, when the opportunity for obtaining information had escaped. The institution of coroners' courts was a very valuable one, but they were introduced in a very different state of society to the present. It was a most extraordinary circumstance that, although this was one of the most important of our courts, it was the only one which had a judge who was quite irresponsible, or who had not received an education of a highly legal character. In many cases, too, the juries chosen to make the investigation were interested to mislead, and to shelter the guilty authors of the calamity. Any measure which could be introduced by the Government for the consideration of the whole question of coroners' inquests he considered would be a highly valuable one, and would probably lead to a means of detecting and remedying the causes of those accidents which they all deplored.

MR. LAING said, he begged to thank the right hon. President of the Board of Trade for the introduction of this measure, and he would take the opportunity of saying a few words in illustration of its necessity. The practical bearing of this question had been brought before him during the past year, and he had been strongly impressed with the vast amount of commercial inconvenience and injury from the extravagant rate to which freights had risen in the coasting trade. This had mainly contributed to the serious losses to which individuals had been subjected who had entered into contracts, owing to the physical impossibility of getting vessels to carry on their trade. It was not a question now whether they should have their business carried on by British ships and by British seamen exclusively, but whether they could get ships at all. He thought that was the true answer to the objections made by the hon. Gentleman opposite (Mr. Liddell), who said that if they destroyed the monopoly of the coasting trade, they would destroy the great nursery for British seamen. He (Mr. Laing) believed the very opposite. If these high freights were kept up, he believed that the coasting trade would be destroyed and transferred to the railways. That result had been already

predicted by a gentleman of great experience, Mr. Lindsay, in a pamphlet recently published by him. He had told them that the coasting trade was a doomed trade. Under the ordinary circumstances of the freights which had prevailed during the last ten years, the competition of the railways would not certainly affect that great nursery of British seamen; but if the present high rates were maintained for six or seven years, then he believed that Mr. Lindsay's prediction would be accomplished. The railways being by Act of Parliament confined to a maximum rate, while the ships arbitrarily advanced their freights, the result would be a vast injury to, if not a complete transfer of the coasting trade to the railways. Let them try the effect of admitting foreigners, and they would find that very few would enter into competition with them. It had been found during the last year that when freights were very high, and there was an impossibility of getting vessels, the great safety-valve was the being enabled to obtain foreign ships. An instance of the inconvenience of the present system had come to his own knowledge. It so happened, that in the northern districts of Scotland the crop of potatoes had been excellent and abundant. There was a failure in the south of England, and the consequence was, the price of potatoes was very high; but it was impossible to get shipping to convey potatoes to the London market. At that very time there were Norwegian and Prussian vessels, which had brought cordage, timber, and other articles to the Scotch ports; but they could not take a freight of potatoes on account of the operation of these laws. Now he thought nothing could be more obvious than the expediency of cultivating amity and friendship with these northern nations. Sailors were, no doubt, citizens of the world; but he was sure that no apprehension need be entertained that the country could not command their services. If they were not able to get a sufficient body of men to man their fleets, he, for one, should feel it his duty to ask the right hon. Baronet to increase the rate of wages, or to give a bounty, and he was sure they would then get quite as many seamen as they required.

MR. APSLEY PELLATT said, he wished to remind the right hon. Gentleman the President of the Board of Trade that one of the great causes why the price

of coals was so high in the port of London, was the local laws which they had in the Tyne and other places. These regulations were injurious to free trade, and in the case of the Tyne they had a law which was called the turn of the tide, or something of that sort, the result of which was that no ship could be loaded out of her turn before another, and the detention of vessels from this cause averaged three weeks in the voyage. That, of course, raised the price of freight. Many persons contemplated the propriety of building screw steamers, in order to make the voyage more expeditiously; but that could not be done unless the party was the owner of the coal mine as well as the owner of the ship, because the law prevented his going any earlier than any other ship.

MR. CARDWELL said, he thought it better to lay the Bills on the table of the House, and have them printed before any formal discussion should take place. There was only one point which he should notice now, and it was this:—It had been said that a colourable transfer had been made of Russian vessels to a British name, and he was asked whether he had any information on the subject. He only wished to say that it would occasion considerable embarrassment to those who ventured to do so.

*Resolved—*

“That the Chairman be directed to move for leave to bring in a Bill or Bills to open the Coasting Trade of the United Kingdom to the Ships of all Friendly Nations, and to consolidate and amend various Laws relating to Merchant Shipping and to Pilotage.”

*Resolution reported.*

Bill or Bills *ordered* to be brought in by Mr. Bouverie, Mr. Cardwell, Sir James Graham, and Mr. Chancellor of the Exchequer.

House resumed.

THE QUEEN'S ANSWER TO THE ADDRESS.

VISCOUNT DRUMLANRIG, Comptroller of the Household, appeared at the bar with Her Majesty's Answer to the Address, which he read as follows:—

“I have received with much satisfaction your loyal and dutiful Address:

“It will always be My earnest desire to co-operate with you in measures calculated to promote the industry of My people, and to strengthen the Institutions of the State.”

*Mr. A. Pellat*

VALUATION OF LANDS (SCOTLAND) BILL.

THE LORD ADVOCATE said, he would now beg to move for leave to bring in a Bill for the valuation of Lands and Heritages in Scotland. It was well known that they had had no valuation of real property in Scotland since 1670, and at the present moment the assessments and local charges were taken upon that valuation. The object of the Bill was to provide for the uniform assessment and valuation of property throughout the entire country. He proposed that the commissioners of supply in counties and the magistrates of boroughs should constitute a machinery by means of which, in the next year of the passing of the Act, the valuation of the real property shall take place, that valuation to be revised year after year. He proposed, in connexion with this, to abolish the mode in which the poor-law assessment was laid on. At present it was optional to lay it on in three different modes; but he proposed to put it entirely upon the real value, one half upon the landlord, and the other half upon the tenant. With regard to the prison rate, he proposed that it should be assessed upon the real value of the property. As regarded the expense, his own opinion was that neither the counties nor the boroughs would be put to greater expense than at present. On the contrary, he believed that by the introduction of a uniform system facilities would be given for the collection of the rates, and that the commissioners of supply and the magistrates of boroughs would be able to work it more economically than under the present system. His only wonder was that they had been able to go on in Scotland so long without it.

MR. CUMMING BRUCE said, he was glad to hear that his right hon. and learned Friend had taken up this difficult question. There was certainly very great confusion in the mode in which the valuation was made at present. He hoped that time would be allowed to the people of Scotland to express their opinions on the measure, and he had no doubt that Scotchmen generally would co-operate with him in improving and simplifying the law. As regarded the assessment for the poor, he was not prepared for such an announcement, and would not now give any opinion on that point. It was a matter of serious consideration, and he therefore hoped ample time would be given for that purpose.



MR. HUME said, he wished to ask whether the right hon. and learned Gentleman meant to allow the valuation to be made by the magistrates and country gentlemen alone? He knew many instances in which the country gentlemen valued their own properties, and in those cases the public interests were not attended to. He would therefore suggest whether some public officer, appointed by the Crown, should not form one of the commission, so that no favour should be shown to individuals occupying large tracts of land. In some districts, three or four individuals possessed the whole property, and in these cases the value of the property was not half what it ought to be. That was the case both in England and Scotland; and all he wished was, that there should be no partiality shown, but that the tax should be fairly levied upon a just valuation.

THE LORD ADVOCATE said, the hon. Gentleman's suggestion was entitled to a good deal of weight. What he proposed was, that assessors should be appointed for the purposes of the valuation, and that they should be sworn. He proposed, also, that there should be an appeal against that valuation to a court held by the commissioners of supply and the magistrates. He thought, by the power of appeal, there was a likelihood that justice would be done. At the same time, he should be glad to consider the suggestion of the hon. Gentleman.

Leave given: Bill *ordered* to be brought in by the Lord Advocate and Viscount Palmerston:—Bill read 1<sup>o</sup>.

The House adjourned at a quarter before Nine o'clock till Monday next.

## HOUSE OF LORDS,

*Monday, February 6, 1854.*

MINUTES.] *Sat First in Parliament.*—The Lord Plunket, after the Death of his Father.

### CRIMINAL CODE — MALTA — QUESTION.

THE EARL OF SHAFTESBURY begged to ask his noble Friend the Secretary for the Colonies what course had been adopted by Her Majesty's Government with reference to the Criminal Code of Malta, passed last year by the Legislative Council, and sent home to be laid before Her Majesty in Council, which contained sundry enactments adverse to religious liberty? Whether the provisions of the said code, as far as related to offences against religion, of

which a translation had been furnished to the House of Commons, in a return delivered upon the 15th of August last, had been adopted, altered, or cancelled? And whether Her Majesty's Government were prepared to furnish any further information of their intentions in the matter?

THE DUKE OF NEWCASTLE said, he should be most happy to afford his noble Friend the fullest information in his power upon the subject. At the close of last Session a question had been raised in the other House of Parliament affecting the Criminal Code of Malta. That code was a matter, as their Lordships were no doubt aware, which had been under the consideration of successive Governments, as well as the Legislative Councils of Malta, for many years. In the course of that time there had been numerous attempts made to reform that code; but the greatest difficulties had always intervened, and it was not until the end of last Session that any effort for that purpose had been successful. A code, however, was then adopted, and, under the circumstances of the case, although objections had been taken to a portion of it, the Government felt that it would be most undesirable, unless it should be absolutely necessary, to throw back upon the island the consideration of the whole code, more particularly as the objections which had been taken to it here applied to one chapter only, which related to offences against religion. It would be remembered that power had been reserved to the Crown to enact ordinances upon this subject by an Order in Council. A Bill was now before the Council for that purpose, and he had advised that the code, as it had been sent home, should be re-enacted, with the single omission of the chapter relating to offences against religion.

### POST-OFFICE ARRANGEMENTS— QUESTION.

LORD VIVIAN called the attention of the noble Lord at the head of the Post Office to the irregularity of the mail trains on the several railways, and asked whether it was the intention of the Government to apply to Parliament for more stringent powers?

VISCOUNT CANNING said, that no one could be more sensible than he was of the extreme inconvenience to which the public were exposed by the irregularity of the mail trains; but, as the powers which Parliament had given to the Postmaster

General were of little or no avail, he had endeavoured by friendly communications with the different railway companies, to come to an understanding for a mutual system of fines to be imposed on the Post Office and the companies respectively, each checking the irregularities of the other. He thought it very desirable that some such system as this should be adopted as speedily as possible, because the continuation of these irregularities not only occasioned great public inconvenience, but might lead to prolonged disputes between the railway companies on the one hand, and the Post Office authorities on the other. He had thought it the best policy to deal amicably with the question in the first instance; but he should not hesitate to apply to Parliament for further powers in the event of the present arrangements proving insufficient to obtain regularity.

#### DISTRICT PAUPER SCHOOLS—QUESTION.

LORD LYTTELTON begged to put to his noble Friend the Lord President of the Council the question of which he had given notice:—Whether the Government intended to propose any measure for establishing district pauper schools in single unions, where they were sufficiently populous, or in the centre of a congregation of unions where they were small, which should be entirely unconnected with the workhouse or any other building, and should be in the true sense, agricultural and industrial schools for the reception of pauper children? Their Lordships were aware that, some years ago, the four inspectors, who were appointed to inspect workhouse schools had, without a single exception, in making their reports, testified strongly that no adequate good whatever was attainable from workhouse schools, and that the establishment of district schools was desirable. In consequence of this suggestion Parliament had attempted to supply a remedy by passing a permissive Act; but that had proved insufficient for the purpose. Even a single board of guardians would be unwilling to take upon them the additional duty which would be thus thrown upon them, and that that duty had been thrown not only upon single boards, but upon a combination of boards had only increased the difficulty. The Act, therefore, had remained a dead letter, the only difficulty in the way being that the establishment of those schools would impose upon the boards of guardians the necessity for some little exertion. On the other hand it was one

of those things which the boards of guardians would do if they were told that they must do it. Some years ago inspectors had been appointed for the purpose of inspecting workhouse schools, and every report which they had made testified strongly that no adequate good was attainable from workhouse schools. In consequence of this, the establishment of district schools had been suggested, but as the power to establish them had been only made "permissive" with the boards of guardians, who were usually incompetent to perform any except routine duties, save under supervision, the whole thing had proved nearly a dead letter.

EARL GRANVILLE entirely concurred with his noble Friend, that it was quite clear from all the reports of the inspectors that the workhouse schools were perfectly ineffective in training up pauper children. The schoolmasters in such places experienced the greatest inconvenience. If he were a well-trained schoolmaster he found himself in the most irksome situation. He was subjected to a great deal of jealousy upon the part of the governor of the workhouse; and he had to deal with children who, from the physical and moral constitution which they inherited from their parents required to be treated with more than ordinary care; and yet he was entirely debarred from employing them in anything like industrial education; and he received as a salary only about half what would be given to the master of the commonest elementary school. The children were contaminated by their communication with the persons they associated with in the workhouse. The boys were brought up in the habits of laziness which they saw around them, and were contaminated with the language which they too frequently heard; while there was evidence most conclusive that a large portion of the girls, brought up as they were in communication with the mothers of illegitimate children, followed that course of life which, under the circumstances, might, perhaps naturally be expected of them. He believed that the plan to which his noble Friend had pointed of establishing district agricultural and industrial schools for the reception of pauper children, was the most important that could be devised for putting an end to the hereditary system of pauperism, which had, with truth, become in this country an hereditary disease. There had been cases in which the same family names had appeared on the work-

*Viscount Canning*

house books for upwards of a century, and it was certainly desirous that such a disastrous state of things should be put an end to. There had been a good deal of communication upon the subject between the different departments concerned in it; and at this moment it was under the most anxious consideration of his noble Friend the Secretary of State for the Home Department (Viscount Palmerston) with the view of framing a practical measure, which he hoped might be submitted to Parliament in the course of the present Session.

#### RUSSIA AND THE PORTE—QUESTION.

**THE MARQUESS OF CLANRICARDE:** My Lords, when I gave notice of the Motion which appears in my name upon the Orders—[“To call the attention of the House to the state of this country with relation to the question of peace or war”] I certainly thought, from the rumours current, and from the language which was held in this House upon Tuesday last by the noble Lord, the representatives of the Government here, that the proposal which had been made to the Emperor of Russia had been virtually, if not formally, rejected by him, and that his formal refusal to accede to that proposal would have arrived, I may say, immediately. And, further, I certainly considered that all negotiations for peace were virtually at an end. It appears, however, from the reports in the public papers, that up to this morning no formal reply to that proposal has been received from the Emperor of Russia. So far as I can understand it, there appears to be something of the semblance of negotiations still going on at Vienna. Under these circumstances, while there is even so faint a prospect of peace as I fear there is, I, for one, should be extremely sorry to occasion any discussion which might prevent a peaceful termination to those negotiations. I do not, therefore, wish to-night to go into the questions that are contained in the blue books which have been laid upon your Lordships’ table, nor to discuss some very necessary points with reference to our present position, the consideration of which, however, I think Parliament cannot delay many days. Our position, whatever it is, is becoming so critical that I think Parliament must be accurately informed thereupon before many days elapse. At the same time, not desiring to interfere with the faintest prospect of peace until all negotiations are formally closed, I do not

wish to enter upon a discussion which must necessarily raise many points. I shall, therefore, not draw attention to certain despatches which have been communicated to Parliament, but shall content myself with asking my noble Friend the Secretary of State for Foreign Affairs the simple yet important question, whether any answer has yet been received from the Emperor of Russia to those proposals which have been laid before him?—and I wish also to know what is the present state of our diplomatic relations with that Court. I learn from the public prints that the Russian Ministers, both in Paris and London, have actually retired from their functions, and I should wish to know what instructions, if any, have been given to our Minister at St. Petersburg? If my noble Friend will be kind enough to answer these questions, I shall reserve for a short time any observations which I may have to make upon the position in which this country appears to be.

**THE EARL OF CLARENDON:** My Lords, I am very much obliged to my noble Friend for the consideration which he has shown in consenting to postpone for a short period any discussion which might arise upon the question of which he had given notice for this evening. If the question were discussed this evening, it might to some—though, perhaps, only to a slight—extent prejudice the chance which still remains of arriving at a peaceful solution of the difficulties of the Eastern question. But I think it right to state to your Lordships that, although Her Majesty’s Government had some reason to believe that the answer of the Emperor of Russia to the note of the Conference sitting at Vienna—or rather, that the terms which His Majesty had stated as those on which he would be prepared to enter into further negotiations—have been received at Vienna, and were known there on Thursday last, it was only this afternoon that I received from Vienna official information of the facts. The official statement which I have received states that the Conference was immediately called together by Count Buol, and that the fresh proposals or counter-proposals were communicated to the representatives of England, France, and Prussia, by Count Buol. But, as I have stated to your Lordships, the official announcement was only placed in my hands this afternoon, and I have not yet had time to place it in the hands of my Colleagues. I have only had time to show it to my noble Friend at the head of Her

Majesty's Government. I should, therefore, prefer not to enter at this moment into any details in reference to this communication; but still I think it right to inform your Lordships that the terms of the propositions which have been submitted are such as to be quite unacceptable to the Conference, and, therefore, not of a character to be sent forward to the Ambassadors at Constantinople. Of that there is no doubt. With respect to my noble Friend's second question, I have to say that, on Saturday evening, Baron Brunnow called upon me at the Foreign Office, and placed in my hands a Note in which he announced that the answer which he had received from me, on behalf of Her Majesty's Government, to the inquiry which he had been instructed to make by his Government, was not of such a kind as to permit of his continuing any longer diplomatic relations with this country; and that, therefore, the diplomatic relations between the Russian Government and this country must be for a time suspended. His Excellency took leave of me on Saturday evening, but at too late an hour to permit of his leaving London on that night—but I understood that he would depart early this morning. My Lords, I may observe that it is the earnest desire of Her Majesty's Government to give your Lordships the earliest and fullest information upon this and all other important points relating to this question, which is exciting so much anxiety throughout the whole of the country. My Lords, I shall, in the course of this week, endeavour to lay upon the table of your Lordships' House the Note which has been addressed to me by Baron Brunnow, by the direction of Count Nesselrode, and my answer to it.

THE EARL OF ELLENBOROUGH: My Lords, I have already expressed my opinion that the state of things which has arisen out of the conduct pursued by the Emperor of Russia could terminate in nothing but war. I expressed that opinion to one of the Ministers of the Crown as far back as Easter, and I declared it in this House in August last. I do not regret that the noble Marquess has thought proper to postpone his Motion, because I am of opinion that any retrospect into the conduct of Her Majesty's Government in these negotiations would not be in the slightest degree profitable to the country; but I should deeply regret if the noble Marquess, and those who think with him, or if Her Majesty's Ministers, could be deluded by anything

*The Earl of Clarendon*

which has recently taken place into relaxing in any degree, or, indeed, into not increasing to the utmost possible extent, their preparations for war. I have no doubt we are at the commencement of one of the most formidable wars in which this country has ever been engaged. I deeply regret that the people of this country do not appear at all aware of the magnitude and probable duration, or of the dismal consequences of that war. It is undoubtedly true that it is a war for which this country is not responsible, nor are Her Majesty's Ministers responsible for it. I acquit them altogether. I think, that, whatever they have said on the subject has been said with ability, and that they have been ably seconded by the various gentlemen holding diplomatic appointments at the different European Courts; but I do conjure Ministers to increase to the utmost possible extent every immediate preparation for war. War is inevitable; and what is absolutely essential to the preservation of the best interests of this country is, that on the breaking up of the ice we shall show a superior fleet in the Baltic. Are we able to do that? If we be not, Ministers are most deeply responsible to the country, for they have had their eyes opened, and could not have been in ignorance of the danger pressing upon us. I will say no more now. I desire that your Lordships should have the opportunity of considering the whole subject; but what I now earnestly press Ministers to do is to increase to the utmost extent the preparations for immediate war, and for a war which will be one of the gravest in which this country has ever engaged.

THE MARQUESS OF CLANRICARDE: I cannot refrain from saying that in a material part of what has fallen from the noble Earl who spoke last I fully concur. I agree with him in thinking that the war in which it appears we are about to engage may very probably turn out to be one of the most disastrous—[*Murmurs*—I do not mean to this country, but disastrous to humanity, on account of the grave and extensive consequences which must result from it. On that account I have postponed my Motion to-night, for I regard the approaching war with apprehension. I cannot, however, entirely concur in the opinion which the noble Earl expressed as to the inutility of entering into any retrospect of what has happened. I think that a retrospect of the past would enable us to comprehend better the position in which we are placed, and



which it is essential for Parliament and for the country to understand. I cannot agree with the noble Earl in thinking that Her Majesty's Ministers are entirely irresponsible for the present state of affairs. I certainly think, with the noble Earl, that what has been said, both by Her Majesty's Ministers and their diplomatic agents abroad, has been said with ability; but I think that very often the right thing has not been said, and that much ought to have been said which has been left unsaid. I, therefore, think we must have a discussion on the subject, partaking somewhat of a retrospective character; and, as the noble Earl at the head of Foreign Affairs seems anxious that there should be no delay on the subject, probably to-morrow week, if it should suit your Lordships' convenience, would not be too early a day to fix for the discussion. By that time, it appears to me impossible that Parliament should not be in a position to form a proper opinion on the question. It is evident that the present state of things cannot continue long; if our position shall be the same then that it is to-day, all must agree that it is a state of things that cannot last. With your Lordships' permission, I will give notice at once of my intention to bring forward a Motion on the subject to-morrow week.

**EARL FITZWILLIAM:** The noble Marquess says, that the present state of things cannot last long. In that I entirely agree with him, and I am the more desirous of saying so, because, in my opinion, the present state of things has already lasted much too long. If I were disposed to find fault with a single syllable of the statement which has been made by the noble Earl the Secretary of State for Foreign Affairs, it would be this—that he still seems to indicate that there lurks in his mind even the shadow of a shade of hope that there can be any other termination to this state of things than war, as has been announced by the noble Earl (the Earl of Ellenborough) on the upper bench. With all that that noble Earl addressed to your Lordships I do not entirely agree; because I cannot believe that it was quite impossible to avert, at an early stage of the negotiations, the state of things at which we have now arrived. That, however, is a question which, however it may be determined in any man's mind, can make no alteration whatever in the course which Parliament and the country must now take. Whether Ministers deserve credit for the whole of the negotia-

tions in which they have been engaged, or whether it be the opinion of any man that in some particular parts of the negotiations they may have failed, of this I am sure, that it is the duty of every man to afford them the strongest support when they shall be engaged in that war with which the noble Earl on the upper bench has threatened us. There is one point on which I am desirous of making an observation, arising out of what fell from the noble Earl. The noble Earl said, it appeared to him that the country was not fully aware of the tremendous character of the conflict in which we are about to engage. Whether the country is aware of it or not, I will not now stop to discuss; but of this I am sure—and I am sure of it from the communications I have had, and have the means of having, from some of the most important communities in this country—that there never was a war in which the Government was more cordially supported than it will be in that in which we are now about to engage. When the noble Earl said that the people of this country were not fully aware of the character of the war in which we are about to engage, I am confident he did not mean to impute to them any unwillingness to support the Government. I am sure the noble Earl did not mean to impute such a feeling to the people of this country, and I have adverted to the language he used only because it might possibly be misconstrued.

**LORD BEAUMONT:** My Lords, I cannot help observing, that the answer given by my noble Friend the Secretary of State for Foreign Affairs is, even under the circumstances to which he has referred, more meagre than is either necessary or desirable. We are still left without any knowledge as to whether we are in a state of war or peace. I think that the time is now arrived when we are entitled to distinct information on this head, and I think so for this reason; it was stated that, if what is now called the Turkish Note—I mean the one last agreed to by the Conference of Vienna—should be rejected by the Emperor of Russia, all further attempts to submit proposals to that Government would be abandoned. Now, if I understand my noble Friend rightly, the Emperor of Russia has refused to consent to the Vienna Note, and not only refused that, but stated terms on which he was willing to enter into fresh negotiations, which were of such a nature that it was utterly impossible for any other Power to admit them.

If things are arrived at this point, further negotiation with the Emperor of Russia must be altogether out of the question: and when the Emperor of Russia has withdrawn his Minister at our Court—when he has refused to accept the proposition we tendered as our *ultimatum*—when, on the contrary, he insults Europe by offering proposals at the eleventh hour which he knows must be refused—I say that when we have arrived at a point like this, there can be no other alternative than war or disgrace. At this state of things—if I understand my noble Friend's answer—we have now arrived; and therefore I think we are entitled to know whether instructions have gone out from this country for the recall of our Minister from St. Petersburg, and whether all negotiations will be ended at St. Petersburg in the same manner as they are ended here? I am as reluctant as the noble Marquess near me to enter prematurely into discussion on this subject, nor am I now referring to the past. Since I have had time to read a large portion of the despatches on the table, I am willing to give Ministers more credit for what has passed than I was previously inclined to do; but I think we have now arrived at a point when hesitation or holding out false hopes or trying to make us believe that we are at peace, when we are actually at war, is a self-delusive course which would be highly culpable. Let us look things boldly in the face as they are, and not hesitate to acknowledge that we are in a state of war, if such be the case. I think, therefore, I am not in any way differing from my noble Friend in respect of the propriety of deferring this subject if I ask my noble Friend the Secretary for Foreign Affairs this question simply—whether instructions have been sent for the withdrawal of our Ambassador from St. Petersburg, and for the cessation of further negotiations there?

THE EARL OF CLARENDON: I am sorry my noble Friend thinks the answer I gave to the noble Marquess was meagre. I thought I answered distinctly to the questions put to me. My noble Friend (Lord Beaumont) seems to think—and so, also, did the noble Earl (Earl Fitzwilliam)—that I am holding out hopes and expectations that fresh negotiations may be entered into, and that I entertain much hope that peace may still be preserved. I can assure them both that I held out no such expectations at all. These negotiations have—as I informed the noble Marquess—now been

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brought to a close at Vienna. I also stated, in my answer to the noble Marquess, that I had received the official information of this fact only this afternoon, and at a period too late to enable me to communicate it to my Colleagues, and that therefore I thought it better not to enter into details; but, anxious, as far as possible, to satisfy your Lordships' natural desire for information on this subject, I added that the new proposals put forward by Russia were wholly unacceptable—that they could not be transmitted to Constantinople, and that therefore there was an end of them. I have no reason to think that fresh negotiations on the subject will be renewed. It is perfectly true, I believe, that Count Orloff, who arrived at Vienna some days ago, and was about to depart after having executed that particular part of his mission which referred to the relations subsisting between Austria and Russia, has now prolonged his stay; but what object he has in this I really am unable to state. With respect to the other question asked by my noble Friend relative to instructions to Her Majesty's Minister at St. Petersburg, I can only tell him that, as it was half-past 6 o'clock on Saturday evening when Baron Brunow called upon me, and as it was necessary in this, as in all other measures we have adopted, or shall adopt, to have previous communication with the French Government, it has not yet been possible to send instructions to our Minister at St. Petersburg; but we have already held communication with the French Ambassador on the subject, and instructions will be sent to Sir Hamilton Seymour and General Casteljac by their respective Governments to-morrow, which will place them on exactly the same footing with regard to the Court of St. Petersburg as is the Russian Ambassador here, and that diplomatic relations between the two countries and Russia will in the same manner be suspended.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Monday, February 6, 1854.*

MINUTES.] NEW MEMBER SWORN.—For Cork, Francis Bernard Leamish, Esq.

NEW WRIT.—For Devon (Southern Division), v. Sir Ralph Lopes, Bt. deceased.

PUBLIC BILL.—1<sup>st</sup> Assessed Taxes Act Amendment.

## CRIMINAL CODE — MALTA — QUESTION.

MR. KINNAIRD said, he would beg to ask the noble Lord (Lord J. Russell) what

course had been adopted by Her Majesty's Government with reference to the criminal code passed last year by the Legislative Council of Malta, and sent home to be laid before Her Majesty in Council, which contained sundry new enactments adverse to religious liberty; whether the provisions of the said code (as far as related to offences against religion), of which a translation was furnished to the House in a return delivered on the 15th day of August last, had been adopted, altered, or cancelled; and whether Her Majesty's Government were prepared to furnish any further information of their intention in this matter?

LORD JOHN RUSSELL: I think it is not quite correct to say that the criminal code passed last year by the Legislative Assembly of Malta contained provisions adverse to religious liberty, without saying that this enactment was more favourable to religious liberty than the law previously in force. With respect to the hon. Member's question, I have to state that, as great objections were taken in this House to that code, and as some of those objections were considered to be reasonable, the whole code was disallowed by Her Majesty's Government. A new code has since been enacted, and from this the whole of the chapter relating to offences against religion has been omitted.

MR. WALPOLE said, he wished to know if the noble Lord had any objection to lay the new code on the table?

LORD JOHN RUSSELL said, that he had not.

#### THE CUSTOMS OFFICERS—QUESTION.

MR. APSLEY PELLATT said, he begged to ask the hon. Secretary of the Treasury whether the promotion of two-fifths of the lockers and weighers in the Customs service, instead of one-fifth, as originally intended, had worked satisfactorily to the Government and the *employés*?

MR. J. WILSON said, he was glad that this question had been put, because he believed that considerable disappointment existed in consequence of the very small number of inferior Customs officers who had been promoted to high situations. This, however, was not to be traced to the fault of the Commissioners, nor to any want of desire on their part to carry out the Resolution which the House passed on this subject during the last Session. The Board had issued instructions to the Surveyors General to recommend those officers whom they thought deserving of promotion. These

officers had accordingly recommended sixty lockers and thirty weighers; but of these ninety persons only ten were found, on being submitted to examination, to be in any way fitted for the higher offices to which they aspired. One of these had been appointed to a higher office, the duties of which he was discharging in a satisfactory manner. The Commissioners of Customs and the Treasury by no means undervalued the principle established by the House last year. They felt that its adoption would most probably have the effect of materially increasing the energy of that class of officers, and in leading them to qualify themselves for higher offices. He might mention as a proof of what might be done by energetic self-cultivation that the only one of the inferior officers who had accepted a higher position had originally entered the service as a porter in the weighing-office—the lowest in the establishment.

#### IMPROVEMENTS IN NAVIGATION—CAPTAIN MAURY'S PLAN—QUESTION.

MR. HEYWOOD said, he begged to ask the right hon. Baronet the First Lord of the Admiralty whether it was probable that an office would be established to co-operate with Captain Maury and the American Government in oceanic and other scientific observations; and whether the important collections of observations on currents, winds, and temperature, already in possession of the Admiralty, would be rendered accessible to the head of the proposed office?

SIR JAMES GRAHAM said, he was happy to inform his hon. Friend that, amidst more pressing and less peaceful occupations, the subject to which he had adverted had not failed to attract the attention of the Government. The President of the Board of Trade and he (Sir J. Graham) sent Captain Beechy to the Conference at Brussels, and in consequence of his report, it was the intention of the Government to appoint an officer to whom the observations made both on board merchant ships and Queen's ships would be referred. A Vote for this purpose would be taken in the Navy Estimates; and orders had been issued to the commanders of Her Majesty's ships, directing that meteorological observations should be made every four watches—that was, once every four hours—in every part of the world where Queen's ships were employed. An opportunity of making similar observations would also be

furnished to a select number of merchant ships—not fewer than one hundred—and the result of all these observations would be returned to the Board of Trade, where they would be digested. They would then be communicated to Captain Maury, as would also the reports already received.

POST OFFICE ARRANGEMENTS—  
RAILWAY IRREGULARITIES—QUESTION.

MR. J. BALL said, he wished to ask the hon. Secretary of the Treasury whether, according to the regulations of the Post Office department, inquiry is instituted into each case of the non-arrival of mail trains within a reasonable interval from the hour fixed by the contracts made with the several railway companies; and whether sufficient means exist for instituting strict inquiry in such cases, and verifying the facts by sworn testimony? Also, whether any, and what, means had been taken by the authorities of the Post Office to render the London and North-Western Railway Company liable for the frequent and great irregularity in the arrival of the mail trains passing over that line; and whether the contracts for the conveyance of mails by railway companies are so framed as to make the latter liable to a pecuniary penalty in cases where the non-arrival of the mail train is caused by the act of servants of the railway company, as, for instance, the despatch of a slow goods train from a station immediately before the hour fixed for the arrival of the mail train?

MR. J. WILSON said, that in reply to the first question, he had to state that whenever irregularities in the arrival of the mails took place, a letter was addressed by the Post Office authorities to the secretary of the railway company, requiring to be furnished with information as to the cause of the delay. It was the duty of the mail guard to note the time of the arrival of the mail at each station; but at present there was no way of verifying the facts with respect to any delays that took place by means of sworn testimony. It should, in justice to the railway companies, be stated that the irregularities complained of were sometimes caused by the Post Office, and to meet this the Postmaster General had proposed to some of the leading companies that a system of mutual fine should be established, so that the Post Office should pay a fine if the irregularity was caused by them, and, on the other hand, the railway company should be amerced if the fault was theirs. That arrangement

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had not, however, been yet carried into effect. There was no doubt that the contracts entered into with the various railway companies did make them liable in a pecuniary penalty for irregularities in the conveyance of the mails; but the Postmaster General felt that it would not be desirable, if it could be avoided, to enter into litigation with the railway companies. If, however, he was unable to secure that regularity which the country had a right to expect, he might be induced to apply to Parliament for greater powers with respect to the companies than he at present possessed.

MR. SPOONER said, he wished to know who was to pay the fines—the Postmaster General or the public?

MR. J. WILSON thought the hon. Gentleman would feel that it was no part of the duty of the Postmaster General to pay the fines incurred by the officers of the public in the discharge of public duties. In the town with which the hon. Gentleman was well acquainted—Birmingham—the number of letters had increased by several thousands per week, as compared with last year; and when it was recollected that the letters in the country generally had increased 70,000 per week, as compared with the number only a few weeks ago, it was quite clear that it was impossible at once to perfect arrangements for avoiding all the delays attendant upon this great increase of business.

MR. SPOONER: But who is to pay the fines incurred by the Post Office?

MR. WILSON: They must be borne by the Post Office revenue.

PARLIAMENTARY OATHS.

LORD JOHN RUSSELL: Sir, I rise for the purpose of asking the House to go into a Committee of the whole House in order to consider the oaths at present administered to Members of Parliament on taking their seats, and also to persons taking office. In bringing forward this question, I wish the House to consider generally the state of the oaths at present taken on these occasions. I conceive it will be admitted at once that on so solemn an occasion as that of taking an oath, which is considered as a security to bind those who take it to the performance of certain duties, the oath they are to take as that security should be as simple and intelligible as possible, and that it should only bind the persons to such engagements as they can well and easily perform. If the House



will go with me to the consideration of the oaths that are at present administered to Members on taking their seats in Parliament and on assuming office, I think they will agree with me in the conclusion which I draw, that it is almost a profanation to make persons bind themselves in the presence of Almighty God to engagements which are, many of them, totally out of place, and some of which have no application or reference to the present time. The first oath which is taken is the oath of allegiance:—

“I. A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty. So help me God.”

That is a plain and intelligible oath, that binds those who take it to allegiance to the Sovereign, and I do not think any reasonable objection can be taken to it. But immediately we come to the next oath, we find that there are assertions made in it which I conceive are quite unnecessary to be made at the present day. If we look through these oaths, we shall find, as a general observation, that they were framed to meet certain dangers which were dreaded at the time. Whether wisely or unwisely, those dangers were felt to exist, and these oaths were intended for security against them. With respect to the oath of supremacy, the obligation to take it arose, as everyone was aware, from the contest which took place in the time of Henry VIII. and Queen Elizabeth with regard to the supremacy of the Crown, and the right which was claimed by the wearer of it to the obedience of all its subjects in all matters and in all cases. This contest, as we all know, was one of extreme violence—so much so that in one of the letters published by Sir Henry Ellis, of the British Museum, there is an account of a friar who said he could not understand how it was that King Henry VIII.—or, probably, it might be in the time of Edward VI.—how it was that the King being a layman could be head of the Church; and, because he would not acknowledge that supremacy, he was burnt at the stake. On the other hand, those who opposed the supremacy of the Crown had among them a party who held doctrines of extreme violence, and such as, if acted upon, must have been fatal to all civil authority. I was reading only this morning a famous passage of the Jesuit Mariana, in which he describes with evident approbation the assassination of Henry III. of France by the Dominican monk Clement. He declares that Clement being a Domini-

can, that fanatic consulted the heads of his order as to whether it was lawful to kill a heretic, and, having obtained their approbation to that maxim, he proceeded with letters to the Court of the King of France, and having gained access to the monarch on pretence of presenting those letters, stabbed him with a poisoned dagger; that the King after a short time expired, and Mariana goes on to celebrate the *insignem animi confidentiam* of the assassin; and I think he adds, *præclarum facinus*. While, then, on the one hand, strong opposition was made to the supremacy of the Crown, it was on the other hand thought necessary that that supremacy should, for the sake of civil government, be firmly established. It was a matter altogether relating to the existence and the maintenance of the authority of the Sovereign; and so much was this the case that Lord Burleigh, in a letter to Queen Elizabeth, suggested to that wise Princess that it would be better to have a declaration that the persons who took the oath would be ready at all times to take up arms in defence of the Crown, because he said there were many Roman Catholics who felt themselves unable, from objections of conscience, to take the oath of supremacy, and would object to it, but who would have no objection to take an oath to defend the Queen against all who should oppose her title to the Throne. The whole matter was, in this respect, so well stated by one of the greatest orators who ever addressed this House—I mean Lord Plunket—that I cannot do better than quote his words. He stated, in a speech which he delivered in Parliament in 1823, what was the general policy of the period of the Reformation, and observed—

“At the period of the Reformation three principles were operative. The first was the unalienable establishment of the Protestant religion in these realms, as far as human regulation could affix permanence. The second was to put down and prevent the exercise of all religious professions as contumacious which were at variance with the religion so established. The third was to give the State the power of distinguishing the well-affected from the disaffected, and to disable and disqualify the latter from being admitted into its high offices. Of those principles the first was the most important, and was inalienable; the second, after having been contended against for 300 years, was at length abandoned by the repeal of the law against recusancy; the third was intended as a test to separate the well-affected from the disaffected, and for that purpose the oath of supremacy was framed.”—[2 *Hansard*, viii. 1113.]

In conformity with this opinion we have

the *dictum* of Lord Eldon with respect to relieving the Earl Marshal from the oath of supremacy. Lord Eldon on that occasion said, that the oath of allegiance contained in itself the oath of supremacy. I should hold, therefore, that with respect to the first part of the oath of supremacy, it is at present totally unnecessary. It is—

“I, A. B., do swear that I do from my heart abhor, detest, and abjure as impious and heretical that damnable doctrine and position that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects or any other whatsoever.”

I have shown you that that was the doctrine of a party at the time of the Reformation and immediately following. I do not believe that there are any persons who hold such a tenet at the present day, and I hold that it is wrong to call on persons in this House, and on those who take office, to say that they abhor, detest, and abjure such a doctrine, when it is in fact, an unwarrantable assumption to maintain that there are any persons liable to the suspicion of holding such a doctrine at the present day. The next affirmation of the oath of supremacy is—

“And I do declare that no foreign Prince, Person, Prelate, State, or Potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm.”

With regard to that declaration, it is again evident that it was a declaration which was intended to operate against Roman Catholics, who maintained that the Pope had lawful authority in this Kingdom; and so long as it was maintained that it was necessary to declare that no such authority, ecclesiastical or spiritual, should be held, it might be reasonable—I do not say it was reasonable, but if it was any security against that spiritual authority, it might be right—that all persons should take that oath on coming to the table of the House, and on being admitted to office. But, with regard to the Roman Catholics—the persons to whose consciences this oath was a very great hardship—with respect to whom there were in the reign of Elizabeth many who did take the oath, while there were a great many who did not take it, and who in later times have refused altogether to take any such oaths, declaring, in the first place, that they considered the spiritual authority exercised by the Pope to be rightly exercised, and, in the next place, that he ought to have such authority—with

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respect to them what have you done? Why, you have relieved the Roman Catholics, who were the objects of suspicion, from the obligation of this oath, while you oblige Protestants to say that no foreign prince, power, or potentate has or ought to have any authority in this realm. You do not oblige the Roman Catholics to say that the Pope has no authority in this Kingdom; but with regard to those about whom there is no suspicion at all—with regard to Protestants, who say there is no authority, civil or sacred, held in this country by any foreign prince or potentate, you make this declaration necessary, while, as I have previously said, you relieve Roman Catholics altogether from such a declaration. Such, then, was the quarrel which subsisted at the time of the Reformation, and which you have kept up to the present time. I come now to another oath which was intended against different dangers, and which, when framed, might be defended as necessary for the security of the State. After the Revolution the title to the Throne by James II., and those who followed him, being supported by Louis XIV., then the most powerful monarch in Europe, it was thought necessary by an oath of abjuration to take security from those admitted to Parliament and to office that they would not give countenance to the title of James II. or his successors. The last occasion on which this oath was altered and imposed by Parliament was now nearly ninety years ago—namely, in 1766, when a descendant of James II. was still living, and when the oath might still be considered necessary. The abjuration oath says—

“I do solemnly and sincerely declare that I do believe in my conscience that not any of the descendants of the person who pretended to be Prince of Wales during the life of the late King James II., and since his decease pretended to be and took upon himself the style and title of King of England, by the name of James III., or of Scotland, by the name of James VIII., or the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of this realm, or any other the dominions thereunto belonging; and I do renounce, refuse, and abjure any allegiance or obedience to any of them.”

That is the very solemn declaration imposed by Parliament in 1766, renewed from former days, and not imposed without some presumed imperative necessity. But, then, I say that which is generally known—that there are no descendants of James II. now existing to claim such obedience; and is it not a mockery of this House to call

upon its Members to "renounce, refuse, and abjure" all allegiance and obedience to persons who everybody knows are not in existence, and cannot prefer any such claim. The oath of abjuration goes on to promise support to the successors to the Crown; and in the last sentence there is obviously again a reference to those unwise doctrines that were held at the time of the Reformation, and to those persons who were supposed to hold the belief that they could free themselves by equivocation from the obligation of an oath. It closed with these words:—

"And all these things I do plainly and sincerely acknowledge and swear, according to the express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promise heartily, willingly, and truly, upon the true faith of a Christian."

Now, it has been clearly ascertained, and ascertained within the last few years more clearly than it was ever ascertained before, that these words were adopted, especially the words "on the true faith of a Christian," in the reign of James I., in concern at the discovery of a treatise written or corrected by the Jesuit Garnet, which bore out what was said against the Jesuits even by Roman Catholics who did not belong to that body. It was maintained that there were persons ready to make a declaration, and at the same time repeat certain words mentally which they believed relieved them from the obligation under which they had come; and it was conceived that by putting in very solemn words into the oath declaring that it was taken in the plain meaning of the words, and without any equivocation or mental reservation, these dangerous persons would be deterred from taking the oath. With respect to this, again, it is obvious that that danger no longer exists—that this doctrine, against which Pascal wrote, is no longer a doctrine that influences the conduct of men, and, accordingly, therefore, the danger, though it might have existed in former days, is not one which it is necessary now to guard against. What I now intend to propose to this House is, that all those fortifications and barriers which have been proved to be ill-timed and unnecessary, should be got rid of. In doing so, I only propose that which with regard to common life and the usual conditions of men, is constantly acted upon. In the days when all the roads in this country were unsafe,

gentlemen rode out with arms, in order that they might be able to meet those who might assault them; but when, by the establishment of police and a military force, that kind of protection was no longer considered necessary, gentlemen no longer went out armed. At the end of the last century, when the roads in the neighbourhood of London were infested by highwaymen, a gentleman going across Hounslow Heath in his coach took a brace of pistols with him in the carriage, ready for defence against the highwaymen; but when the roads were rendered safe and no danger existed, no one then thought of putting pistols in his carriage. Then, what I ask in respect to these oaths is, that you will act just as you would do in common life, and, as the danger has ceased, not to continue any longer the precautions. I use this comparison as to the way in which men act in their common conduct, but the argument is very much stronger; for, looking at all the considerations that are involved in a solemn appeal to the Almighty, and which appear in the terms of an oath, it ought to be a very solemn proceeding; but, if couched in terms that are no longer applicable, and merely a preservation of useless formalities, it becomes a mere mockery. The oath which I propose, and which I am sure will contain quite enough, at least, for the security of the Crown, will be in these terms.

The noble Lord here read the terms of the oath, as follow:—

"I, A. B., do swear that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and will defend Her to the utmost of my Power against all Conspiracies and Attempts whatever which shall be made against Her Person, Crown, or Dignity; and I will do my utmost Endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and traitorous Conspiracies which may be formed against Her, or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my Power, the Succession of the Crown, which Succession, by an Act intituled, 'An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject,' is and stands limited to the Princess Sophia, Electress of Hanover, and the Heirs of Her Body, being Protestants, hereby utterly renouncing and abjuring any Obedience or Allegiance unto any other Person claiming or pretending a Right to the Crown of this Realm; and I do declare that no Foreign Prince, Prelate, Person, State, or Potentate hath or ought to have any temporal or civil Jurisdiction, Power, Superiority, or Pre-eminence, directly or indirectly, within this Realm. So help me God."

There are two other points to which I wish to call the attention of the House. One

is, whether this oath, thus rendered more simple and quite intelligible, should be applied to the Roman Catholic Members; and the other point relates to the words "on the true faith of a Christian," which I propose to omit from the oath. The Roman Catholic oath was imposed by the Act of the 10 *George IV.* chap. 7, and contains in it, I must say, a great deal of what was intended as a security, not against any real danger, but against danger which it was supposed might arise from certain alleged doctrines and professions of the Roman Catholics. With respect to such imputations, the Roman Catholics declared that they were untrue, but expressed their readiness, if it would afford any satisfaction or fancied security to their Protestant fellow-countrymen, to abjure the imputed doctrines by oath. That offer was willingly accepted, and it was supposed that some security was obtained by the abjuration of those doctrines; but with respect to those which I have mentioned, there is no need of imposing any security, and I should propose, therefore, that the oath now required from Roman Catholics should no longer be enforced. In the Roman Catholic oath, as it stands at present, the Member declares that he renounces, rejects, and abjures the opinion that princes excommunicated or deprived by the Pope, or by any other authority of the See of Rome, may be deposed or murdered by their subjects, or by any person whatever. I must say, I think it rather insulting to the Roman Catholics to suppose that they hold such an opinion. The oath then goes on to say—

"I do not believe that the Pope of Rome or any other foreign prince, prelate, person, State, or potentate hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm."

That may be kept in the oath to be taken both by the Protestant and Roman Catholic Members of this House. The Roman Catholic oath next states—

"I will defend to the utmost of my power the settlement of property within this realm, as established by the laws."

I see no need whatever to take an oath to preserve the settlement of property. That rests on the security of the law, and if any one wishes to disturb the settlement of property the oath will not prevent him; but the law and the authority of the Parliament must be considered as the only adequate security for that settlement. The Roman

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Catholic oath then goes on to say (and this involves a matter much disputed)—

"I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm."

That part of the oath has given rise to some painful discussions. It would appear that with respect to any part of the institutions or legislation of this country, those who are admitted into this House to make the law, ought to have the liberty to propose any alteration in the institutions and the laws. They may, in fact, propose a repeal of the Union with Ireland, or many other changes, which would be subversive of some of our most established institutions. To say, therefore, that they should be prohibited from making any proposal to subvert the Established Church in Ireland, is, I think, going beyond that which you have any right to demand from Members coming into this House. But, beyond this, it gives occasion, as I have said, to very painful discussions, because, supposing a certain number of Roman Catholic Members in this House think, as some notoriously do, that the Church Establishment of Ireland is injurious to the country, and that it ought to be subverted; and, supposing that they act according to that opinion, they are immediately reproached with perjury, and charged with acting inconsistently with the oath they have taken. The oath does not prevent this point being a question of doubt, there being some Roman Catholic Members who conceive themselves debarred by the terms of the oaths from interfering upon such a subject, and others who maintain that they are not so prevented, and that they may in perfect consistency with their oath propose any change with respect to the temporal establishment of the Church. Now, I do not think that this additional difficulty should be interposed in the consideration of political questions. I am of opinion that it ought to be on no man's conscience that he is not at liberty to give his vote, with respect to political and temporal matters, as he thinks fit. The Catholic oath proceeds—

"I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom."

Now, with respect to the question of disturbing or weakening the Protestant religion and Government, there are many who maintain that no exercise of public duties or official functions in this House can



weaken the Protestant religion. It has been maintained, both by Roman Catholics and Protestants, that religion, being binding on the conscience, will not be disturbed or weakened by any law passed in this House. I am not now saying whether they are right or wrong in holding this opinion; but what I declare is, that this is not a fit subject for an oath, and its introduction into one only entangles men's consciences, and makes them doubtful as to the real value of what is imposed on them. Besides, this part of the oath is, in fact, no security for the Protestant religion or Government. If the Members of this House, the representatives of the United Kingdom, cannot maintain the Protestant religion and Protestant Government—if a great majority of this House should be opposed to the Protestant religion and the Protestant Government, your oaths would give no security whatever. I think, therefore, it is desirable that the oath should be brought to a more simple form. The last topic on which I shall touch is one whereon I shall not say much at the present time, having often spoken before in reference to it in this House—I mean the question whether the words “on the true faith of a Christian” should be retained or not in the oath. There is one thing that must be admitted on all hands, and that is, that the words I have mentioned were not introduced into the oath for the purpose of excluding persons of the Jewish religion. They were intended for the purpose of binding Roman Catholics, and more especially those of the Jesuit persuasion, more securely to that which was the substance of the oath—namely, due allegiance and submission to the authority of the Crown. This has been stated very clearly, and in a manner well deserving of attention, by one of the Judges of the land, when the question came before him as to whether or not those words in the oath should be dispensed with as being only words of form, and not constituting part of the oath. Mr. Baron Alderson said—

“I do most seriously regret that I am obliged, as a mere expounder of the law, to come to this conclusion” [namely, that the words could not be separated from the rest of the oath of abjuration] “for I do not believe that the case of the Jews was at all thought of by the Legislature when they framed these provisions. I think that it would be more worthy of this country to exclude the Jews from these privileges (if they are to be excluded at all, as to which I say nothing) by some direct enactment, and not merely by the casual operation of a clause intended apparently in its

object and origin to apply to a very different class of the subjects of England.”

Consequently, if you were to agree with me in the former part of my argument, and say that you would have the oath in a more simple shape than it has appeared before, with those cumbrous and prolix phrases to which I have alluded, it would then be necessary for you to declare whether or not you would introduce these words, “on the true faith of a Christian,” professedly for the exclusion of the Jews on account of their religion? Now, differing as I do from any such proposal, should it be made, I must, nevertheless, say that that would be an open and direct proposition declaring religious opinion to be a ground of exclusion from Parliament and office; and should such be the decision of the Legislature, there then could no longer be any doubt on the subject. I certainly do not propose to introduce the words in question into the oath I have framed; but, supposing the Legislature should leave the oaths as they now stand, then a very serious question arises, which has been stated with great legal clearness and force by Lord Lyndhurst in another place, in a speech admirable even for him. This was the statement of the noble and learned Lord:—

“No British subject, no natural-born subject of the Queen, ought to be deprived of the rights enjoyed by his fellow-subjects, unless he has committed some crime, or unless he is excluded by some Act of Parliament directed against him or against the class to which he belongs. That is the true principle of the constitution, and, such being the case, these persons can only rightly be excluded by the concurrent voice of the two Houses of Parliament, and with the assent of the Crown. If you exclude them by the casual operation of a clause which was never directed against them, or against the class to which they belong, you unjustly deprive them of their birthright.”—[3 *Bansard*, cxxvii. 847.]

This, Sir, is great authority, and the reasoning which is used as regards the case of the Jews appears to be unanswerable. If, however, it be unanswerable, it raises a still further question, should the Legislature not think proper to make any alteration of the oaths. If you annex to the oath to be taken a clause expressly stating that the person taking the oath must be a Christian, then the law is settled, and there is not a word more to be said by the minority who would be bound by the decision; but if you leave the present oath as it is, and if no new legislation on the subject takes place, I think this House would be bound to reconsider the

position in which a person would be placed who comes to the table, and says that form of oath is not binding on his conscience. In the case of a person who, immediately after the Revolution of 1688, came to the table and declined to take the oaths, a new writ was at once moved for the place represented by that individual, and he was excluded from Parliament. In the case of Mr. Pease you appointed a Committee, and that Committee came to the opinion that Mr. Pease ought to be allowed to make his affirmation, and then to take his seat in this House. There appeared to me to be always considerable doubt as to the law of that case, and those most in favour of his being so admitted afterwards proposed and carried a Bill, by which the law was settled, and by which persons of the same persuasion, making their affirmation, would in future be admitted to take their seats in this House. But there was no such law—no clear law on the subject when Mr. Pease was allowed to make his affirmation and take his seat in this House. Now, I think if the law were to remain in its present state, with those remarkable declarations—first, of Baron Alderson sitting on the bench, and next of Lord Lyndhurst giving his opinion clearly and deliberately in the House of Lords, it would be for you to consider whether or not you, sitting in this House, have not, with respect to your own Members, as good a right to say in what terms the oath should be taken, as Lord Hardwicke sitting in his Court in the case of “*Omichund versus Barker*.” This would be matter for your consideration, opening grave and serious considerations, for lawyers of great eminence take different views on this point. I wish to come to no immediate or hasty decision on it; but, I repeat, it may hereafter be a question for the House whether it should not prefer the course taken in the case of Mr. Pease to that which has since been taken with respect to gentlemen of the Jewish persuasion. However, be that as it may, I can have no doubt whatever that you ought not to maintain the oaths in their present state, and that you ought not to impose oaths which have become a mockery and a profanation, and unsuited to the present time. I therefore with confidence now move that this House resolve into Committee to consider the oaths taken by Members.

SIR FREDERIC THESIGER said, he did not mean to oppose the Motion that Mr. Speaker should then leave the Chair;

*Lord John Russell*

and neither did he intend to offer any opposition to the introduction of the Bill which the noble Lord proposed to submit to their consideration. But he could not allow even that early stage of their proceedings in this case to pass by without some observations on his part, because he felt it most important that hon. Members should receive a proper impression as to the highly important nature of the question which had been brought under their notice. He trusted it would not be supposed that he was anxious to retain antiquated and obsolete oaths merely because they were old. He perfectly agreed with the noble Lord that when an oath had, in the process of time, lost every object for which it had originally been framed, such a circumstance naturally abated something of the reverence which was due to all those ceremonies by which Members of that House were, as it were, consecrated to their duties. But the noble Lord had disposed of the question at once, because, without entering into any consideration of the propriety of retaining those oaths, he had expressed his intention to introduce a Bill, which was simple enough in its object, but in which most important principles were involved. The noble Lord proposed to abolish the three oaths taken by Protestant Members of that House, and the one oath which was required to be taken by Roman Catholic Members, for the purpose of substituting one common form of oath, which was to be taken by all Members who were to be sworn. Now, it was perfectly obvious, from the notice given by the noble Lord of his views upon the subject, that it was impossible he could frame an oath which the members of every religious persuasion, and especially Roman Catholics, could take, without leaving out of that oath that which had invariably been found in all the oaths which had been taken by Protestant Members since the time when the Reformation had been firmly established in this country in the reign of Queen Elizabeth—namely, a recognition of the Sovereign's supremacy. He (Sir F. Thesiger) confessed that these were not times in which he, at least, for one, should be disposed to dispense with that acknowledgment. The noble Lord had not exhibited his usual accuracy in his statement with respect to the introduction of a passage in the oath of supremacy. The noble Lord had attributed the introduction of that passage to circumstances connected with the publication of the Jesuit

Marians on the occasion of the assassination of Henry III. of France; whereas the passage in question was not to be found at all in the first oath of supremacy framed in the time of Queen Elizabeth, but had first been introduced into the oath of allegiance and obedience, as it was called, which had been passed in the third year of James I., after the discovery of the Popish plot. The oath of supremacy had originally been a simple acknowledgment that—

“no Prince, Prelate, State, or Potentate had or ought to have any power, jurisdiction, or authority, ecclesiastical or spiritual, within this realm.”

The noble Lord had stated that the oath of supremacy was virtually contained in the oath of allegiance. The noble Lord said that that was the opinion expressed by Lord Eldon in the House of Lords; and the noble Lord might have added, that that opinion of Lord Eldon had been quoted with great approbation by another high authority—the present Lord Chief Justice of the Queen’s Bench. But he (Sir F. Thesiger) was perfectly sure that if that observation had not suited the view for which the noble Lord was contending, his acute and subtle mind would very soon have discovered a most important fallacy in the argument. It had been said by Lord Eldon that the oath of supremacy was involved in the oath of allegiance. Prny, what oath of supremacy? Was it the oath of supremacy prescribed by the Statute of Elizabeth, and which oath of supremacy had been continued down to the present time? He should say that, if that argument was a good one, the Roman Catholic Members of that House had been ill-treated, because by the oath prescribed in the Act of the 10 Geo. IV. they were required to swear to that which was in terms the oath of allegiance; and while it was carefully provided that they would not acknowledge the ecclesiastical or spiritual authority of any foreign Power, they would, according to the argument which the noble Lord adopted, be bound by their oath of allegiance to a recognition of the ecclesiastical and spiritual authority which was contained in the oath of supremacy. Under these circumstances, he thought that the noble Lord would not press that argument in future, for to that argument it was easy to give a most complete answer. Then, with regard to the oath of supremacy, he, for one, should confess that he was extremely desirous of retaining that oath—not, however, the whole of it, for he had not the slightest objection to the omission of the

passage which contained a renunciation of the doctrine that Princes excommunicated or deposed by the Pope might be murdered by their subjects. He should add, however, that he ought not, perhaps, to speak with confidence upon that point, and that he should be glad to be informed what was the opinion of Roman Catholic authorities upon the subject. He would next pass to a consideration of the proposal of the noble Lord to make one form of oath, which should be applicable to every Member who was to be sworn in that House. The noble Lord proposed to get rid altogether of the Roman Catholic oath; and he had then stated the reasons why, in his opinion, that oath ought not to be retained. Now, the noble Lord was perfectly well aware that at the time when the Roman Catholic Relief Bill had been passed, that form of oath had been considered, after due inquiry, to be one of the securities which were to be provided for the Protestant Church against invasion by the Roman Catholics; and Sir Robert Peel had said at that time that it was an oath to which no Roman Catholic could offer a valid or conscientious objection, while it furnished as good a security as an oath could furnish for the protection of the Protestant Church against Roman Catholic invasion. By the terms of that oath, Roman Catholics disclaimed, disavowed, and solemnly abjured any intention to subvert the present Church Establishment as settled by law in these realms, and they solemnly swore that they would never exercise any privilege to which they were or might become entitled to disturb or weaken the Protestant religion or Protestant Government of the United Kingdom. He would not then enter into any consideration of the different views which had been taken by Roman Catholics of the obligation imposed by that oath; but he must say that it seemed to him to be rather a startling thing for the noble Lord to come forward and propose the abolition of the oath after four-and-twenty years only had elapsed since the passing of the Roman Catholic Relief Bill, and to make that proposal at a time when they could hardly say from recent experience that the Protestant Church was perfectly safe from the aggressions of Roman Catholics. He should confess that he most strongly objected to their adopting one, only one, form of oath, which should be taken both by Protestants and Roman Catholics, because they could not frame an oath of that description without omitting from it the re-

cognition of the Queen's supremacy, and without depriving the Protestant Church and the Protestant religion of the safeguard which was intended to be provided by that oath. He would now pass to another consideration. The noble Lord proposed that the new oath should be one which might be taken by a person who was not a Christian. That appeared to have been the darling object of the noble Lord for some some time, and he (Sir F. Thesiger) must be permitted to think that possibly the noble Lord would not have felt quite so great an anxiety for the alteration of these oaths if it had not been for his earnest desire to attain that particular object on which he had set his heart. Now, the noble Lord, strangely enough, seemed to throw out an intimation, that unless the Legislature would consent to a law by which an oath of the kind which he intended to propose should be adopted as the oath to be taken by all Members of Parliament— [Lord JOHN RUSSELL: Or the reverse.] Or the reverse, certainly—then the noble Lord held out this threat, that it might be necessary for the House to consider whether it would not take the course which was taken at law, of allowing all persons to be sworn according to those forms which were binding upon their consciences, and so cut the knot of the difficulty which had always impeded the progress of the noble Lord's measures on this subject. But did the noble Lord forget his own argument in the year 1850? In that year, when that proposal had been made, the noble Lord had resolutely opposed it; and had told them that the matter in dispute was not the form, but part of the substance of the oath. He had a perfect recollection of the noble Lord's arguments upon that occasion. The noble Lord had then disdainfully rejected the notion of endeavouring to introduce, by a side-wind, the alteration which had been suggested, and had refused to adopt the proposal that Jews should take the oath on the Old Testament, in the form most binding on their conscience; he said, No, that could not be done, because this was not a form, it was the substance of the oath. He (Sir F. Thesiger) was not afraid, therefore, of the threat of the noble Lord, for he did not think that he would be much disposed to adopt the course which he threatened, after the mode in which he had treated that suggestion on a former occasion. He would ask, then, hon. Members to consider what it was that they would have to dis-

*Sir F. Thesiger*

cuss upon the question between the existing institutions and the principle of the change in the oath which the noble Lord proposed. In the first place, that change contained an attack—he would not say an insidious attack—but certainly it did contain an attack on the Established Church, because it omitted all recognition of the ecclesiastical authority of the Queen, which was intimately connected with, and which was the keystone of, the Established Church. The noble Lord's measure would, he believed, invade one of the securities of the Protestant religion—because, as he had pointed out to the House, there was a security in the nature of the oath provided to be taken by Roman Catholics, against which he had never heard that any sound and conscientious objection had been made, and, by taking away this security, he maintained they were materially weakening the Protestant religion. In the third place, they were endangering the Christianity itself of the nation by depriving the House of its Christian character by means of an oath which would enable anybody, of whatever religious persuasion, to become a Member of that House. He would not, however, as he had previously stated, upon that occasion, argue the main question which awaited their consideration. He hoped he had said enough to impress on the minds of hon. Members the importance of the principles involved in that question. The course which he proposed to adopt was this—he would allow the House to go into Committee that evening, and he would not oppose the introduction of the noble Lord's Bill, for he thought it was desirable that they should have it before them, and that they should then consider it carefully; but on the second reading of the measure he would most unquestionably offer his opposition to it; he would divide the House upon it; and he would endeavour as far as possible to prevent the passing of a Bill which he believed to be one of a most mischievous character.

House in Committee.

Resolved—

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to substitute one Oath for the Oaths of Allegiance, Supremacy, and Abjuration, and the Oaths appointed to be taken by the Act of the tenth year of George IV., c. 7."

House resumed.

Resolution reported.

Bill ordered to be brought in by Mr.



Bouverie, Lord John Russell, and Sir James Graham.

#### SLIGO ELECTION.

MR. I. BUTT said, that in pursuance of the notice he had given he would now move that a Select Committee be appointed to take into consideration the petition of John Patrick Somers. The petition had been printed with the Votes, and consequently hon. Members were in possession of the facts of the case. The allegation stated in it was, that an attempt had been made by the present sitting Member, or, at least, by persons professing to be agents of the sitting Member, to tamper with the witnesses of the petitioner. He believed that this Motion would be seconded by the hon. Member for Sligo (Mr. Sadleir) himself, and this made him feel that the better course would be, anticipating no opposition, to move for the inquiry without any statement. It was enough for him to say, that the allegations of the petition disclosed a state of facts which, in the case of any tribunal exercising judicial functions, would be a contempt of Court, and would be punished as such. In no respect, however, did he hold himself personally responsible for the statements of the petition.

MR. JOHN SADLEIR said, he begged to second the Motion. The petition was presented in the course of last Session, and he had then repudiated all knowledge of the transactions. He had now only to repeat that statement, and, of course, he was most anxious that the matter should be submitted to the strictest investigation, and at the earliest possible period.

MR. GOULBURN said, he had very considerable doubt whether a Committee of that House was the proper tribunal to investigate the charges contained in the petition. If subornation of perjury had been committed, the parties were liable to be punished by the regular tribunals, and he would submit, therefore, to the consideration of those who took an interest in the regularity of the proceedings of that House whether it would not be best to decline to enter into an endless inquiry of this nature, but to leave the parties to proceed by the usual course of law.

MR. I. BUTT said, he did not think it would be right, if subornation of perjury had been committed, that the House should leave the vindication of the honour of its own proceedings to the chance of a private prosecution. Here was an allegation

which, he had no hesitation in saying, if it were submitted to any Court of Justice in the country, and if it were found true, would be treated as a gross contempt of Court, and be punished accordingly. The petitioner in this case came forward prepared, on his own responsibility, to prove all his allegations, and he (Mr. Butt) would be betraying his duty to the House if he had not asked them to grant an investigation. If, upon inquiry, it turned out that the allegations were true, it would be for the House to consider what steps it would take to vindicate its own authority; and he must say that, after allowing these allegations to be printed and to go forth to the public, it would not be just to the parties themselves that no investigation should take place. He hoped, therefore, that the House would not acquiesce in the views or bow to the authority of the right hon. Gentleman, but would grant an inquiry, in justice to others implicated in the transaction, but whom he had not named. At all events, if the hon. Gentleman divided the House, and if he succeeded in defeating this Motion, he (Mr. Butt) would have the consolation of having done his duty in bringing this matter under their consideration.

MR. GOULBURN said, he had no intention of dividing the House, but had merely wished to point out the inexpediency of going into an inquiry of this sort before a Select Committee.

MR. T. GREENE said, he regretted that the right hon. Gentleman did not mean to divide the House, because he agreed with him that, as it was perfectly competent for the parties to proceed for subornation of perjury in any of the ordinary tribunals of the country, it was not fitting to involve a Committee of that House in a prolonged and useless inquiry.

MR. BENTINCK said, that during the short time he had been in Parliament he did not remember a single instance in which, it being proposed to inquire into the conduct of any Member on his side of the House, hon. Members opposite had not been most eager in pushing on an inquiry; while, on the contrary, if an hon. Gentleman on the opposite side of the House was attacked, every effort was used by the majority opposite to do away with all inquiry. For that reason he should certainly support the Motion

*Motion agreed to.*

The House adjourned at half after Six o'clock.

## HOUSE OF LORDS,

*Tuesday, February 7, 1854.*MINUTES.] PUBLIC BILL.—1<sup>st</sup> Pew Rents.

## RAILWAY ACCIDENTS—QUESTION.

LORD MONTEAGLE, seeing the noble Lord the Vice-President of the Board of Trade in his place, would take the liberty of putting to him a question of very great and peculiar interest to the public at the present moment. He alluded to the question of the great increase of railway accidents in this country. Day by day—above all, during the last year—the number of accidents had been increasing, and the consequences of many of those accidents had been most deplorable. He had reason to know from what had occurred elsewhere, that it was the intention of Her Majesty's Government to introduce some legislative measure on this subject. He was sure the public would owe them much gratitude for undertaking such a task; but the Members of their Lordships' House ought to be placed in a position to be able to judge of that Bill when it came before them. A provision was, he believed, made by law that all those occurrences should be reported to the Government, and there existed in the department with which his noble Friend was connected the materials that would enable them to make these reports. A very considerable time had, however, elapsed since the House had received any efficient return on the subject; he not only thought it was important that Parliament should have these returns now laid before them, but that periodically, as the occasions should arise, the Government should undertake to give them this information hereafter. He was persuaded that there would never be an effectual responsibility unless public attention was constantly and promptly called to the facts; because an accident that had occurred twelve months ago would not excite even in the minds of their Lordships the same attention as if it had been reported on in the course of the week succeeding the occurrence. The only effectual steps that had been taken, the country owed to his noble and learned Friend the Lord Chief Justice, for which the public owed him deep gratitude; but, next to his noble Friend, the most effectual means to avert or to punish these accidents were afforded by the public newspapers. They had done their duty well by calling immediate attention to these casualties; but he was rejoiced to think

that they were likely to have the additional remedy of efficient legislation on the subject. As for the excuses and apologies which were offered by the companies for these accidents, he attached to them no importance whatever. They were asked to compare the number of accidents with the number of persons who travelled, and were told that the proportion between the numbers of casualties and of passengers was so small that they should pass the question by with indifference. He could in no way recognise such a doctrine. Was it a consolation to 500 who had suffered, that they might be 500 out of 2,000,000 or 20,000,000? for he contended that so long as accidents occurred which it was in the power of wise legislation or proper administration to avert, they should not discharge their duty if they did not inquire—if necessary, legislate also. It was not the relative proportion between the number that travelled, and the number of those injured they ought to look to, but the positive damage to limb and the loss of life that were produced by railway accidents. He would now take the liberty of asking his noble Friend whether there was any objection to lay before the House, with as much despatch as possible, the returns of railway accidents from the last return that had been made up to the present period; and, whether, hereafter, Her Majesty's Government would give Parliament information from time to time with respect to those matters?

EARL FITZWILLIAM begged, before the noble Lord the Vice-President of the Board of Trade proceeded to answer the question that had been put to him, to suggest to the noble Lord whether it might not be desirable, if there was legislation on the subject, that the legislation should begin in their Lordships' House rather than in the other House of Parliament. He would not take upon himself to say why he thought so, but he would leave it to the silent contemplation of their Lordships, with the conviction that the reasons would suggest themselves to their Lordships, though it was not very desirable that any Member of that House should state those reasons openly. He begged to ask the noble Lord if Her Majesty's Government had taken into consideration whether it would not be desirable that the legislation upon this subject should begin in their Lordships' House?

LORD STANLEY OF ALDERLEY could assure their Lordships that Her Ma-

jesty's Government were deeply sensible of the great importance of the subject; they viewed with deep concern the numerous accidents that occurred, and were as anxious as any of their Lordships to adopt some effective mode for remedying the evil. His right hon. Friend the President of the Board of Trade (Mr. Cardwell) had already given notice in the other House of Parliament of his intention to introduce a measure which, he hoped, would have the effect of correcting some of the evils of which the public complained; and the fact that notice had already been given in the other House, and that a Committee had sat upon the subject last year, and had inquired into and reported on it, appeared to afford a reason why the Bill should be introduced in the other House rather than in the House of Lords. With regard to the question of the noble Lord relative to a return being made of the number of accidents that had occurred, and the correspondence that had taken place, he could assure him that the matter had been fully considered, and it appeared to his right hon. Friend and himself that there could be no objection to comply with such an application as had been made by his noble Friend; but, on the contrary, that great advantage would result from it. They had before them the blue book, containing a report of the accidents in 1852—it was presented in August, but did not come into their Lordships' hands until the present meeting of Parliament—and he purposed that not only should the report since the last return be laid before their Lordships, but that from time to time, as accidents occurred, a return of them should be immediately laid upon the tables of the two Houses of Parliament, at such periods in the course of the Session as should be found necessary.

EARL GREY said, that the reason which his noble Friend (Lord Stanley) had given for introducing a general measure of legislation in the other House, rather than in their Lordships', might be a good one; but he could not help thinking that there was much force in what had fallen from his noble Friend on the cross benches (Earl Fitzwilliam), and knowing the circumstance to which he alluded, he owned he was not very sanguine that they would have sent up to that House from the other a Bill that would effectually meet the public interests upon this important subject. He could not help suggesting to their Lordships that they had power in their hands (if they thought fit to exercise it) which

would enable them to render great service to the public in this matter. There was hardly a railway company in England that was not constantly coming to Parliament for fresh powers of some kind or other. In the present Session a number of applications would be made to Parliament for extensive additional powers from various lines of railways. Now, he thought it would be of great advantage if their Lordships were to come to a determination that in all those cases in which railway companies applied for additional powers, they would not consent to grant those powers without a thorough inquiry into the manner in which the powers already possessed by those companies had been used, and whether they had been used for the public benefit, and without inserting in the Bills such clauses as might be necessary for the efficient protection of the public. If they adopted a rule of that kind, he was persuaded that they would in a very short time carry their object practically into force, not by any general measure of legislation, but by a clause introduced on the same uniform principle, and in that establish adequate protection for the public. This was a matter of consequence, not only on account of railway accidents, but because the Postmaster General had informed them that the power which he possessed over railways was perfectly inadequate to enable him to effect the due performance of his duty. If that were the case, let them grant no amalgamation Bill—let them give no new powers—without making it a condition for granting those powers that the company requiring them shall do what is requisite for the convenience and security of the public. Again, was there one of their Lordships conversant with railway management who was not aware of the very great abuses that exist upon the subject? That blue book to which his noble Friend had adverted, was full of the most remarkable evidence respecting the gross abuses that prevailed upon railways—how companies were fighting with each other to the injury of the public interests; or how a company, having got possession of a line where they thought there was no opposition, made the most unreasonable demands upon the public or withheld from the public proper accommodation. There was a case of this kind; for instance, if you paid for 300 miles you were charged a certain price, but if you paid for 60 miles further, you paid a great deal less; so that a person was obliged to pay something more because he did not go

the additional 60 miles. They had these things brought before them; but owing to the circumstance to which his noble Friend on the cross benches (Earl Fitzwilliam) had so significantly alluded, it was extremely doubtful whether any general measure of legislation would pass which would put a stop to those abuses; and, therefore, he thought their Lordships would not do their duty if they did not come to a resolution that they would not grant additional powers to any existing railway company without a preliminary inquiry into their administration of the powers which they already possessed, and without introducing into new Bills such clauses as were necessary for the convenience and protection of the public.

LORD CAMPBELL was of opinion that new legislation on the subject was indispensably necessary. He frequently had occasion to lament that the existing law was not sufficient to protect the lives of Her Majesty's subjects as regarded railways; but he hoped they would have some more effective mode of doing it than that which had been just suggested by his noble Friend. It would be a libel upon the House of Commons to suppose that there was any interest, however powerful or overwhelming, that would overwhelm the cause of justice; and he trusted that, before the present Session elapsed, there would be a Bill passed by both Houses of Parliament which might do justice to the country. That Bill ought certainly to be introduced by Her Majesty's Government, and he would most willingly lend his aid in assisting them in the object which they all had in view. For that purpose there were two points to which he would beg leave to draw their Lordships' notice, in which he had found the present law was defective. One was respecting the liability of the servants of the companies for acts they did beyond what might be legally and strictly considered within the scope of their authority. The Judges had determined—and he must suppose wisely—that a railway company was never liable for anything that was done by any of the servants of the company that was unlawful. It had happened over and over again that persons travelling by railway had been imprisoned at stations, and treated in the most barbarous manner; and when an action was brought against the company, they said they gave no orders to warrant that proceeding, and the plaintiff was nonsuited. Where it had happened that the policeman

*Earl Grey*

or police sergeant, or porter, had gone to the station-master and asked his advice, and went by his orders, it was said the station-master had no authority from the company to give those orders; they were unlawful, and the company, as a corporation, cannot be liable for acts done by their servants beyond the scope of their authority. It was necessary that the company, as a company, should be responsible for all that was done by their servants, when the servants were believed or supposed to be acting within the scope of their authority; and without such an enactment justice could not be done. There was another point to which he would also call attention, and it had reference to actions on contract, or for false imprisonment. For example, when an action on contract was brought against a railway company, they said, "By the law we are a corporation, and we can only contract under the corporation seal;" and unless it could be shown that the contract was under the seal of the company, the plaintiff was nonsuited. There were some exceptions with regard to municipal corporations. They might hire a cook—such was the early necessity for culinary services—without the contract being under seal; but the general rule was, that a corporation could only contract under the corporation seal. He would suggest to his noble Friend, whether that technicality of the corporation seal should not be dispensed with, and that wherever a contract was entered into by those who are the real agents of the corporation, they should be liable, without any such technicality as requiring the corporation seal.

#### STATE OF THE NAVY LIST.

THE EARL OF HARDWICKE said, it had been his intention to put a question to the noble Earl at the head of the Government, of which he had given notice, respecting the state and condition of the Navy List; but as to that question he might simply get an answer in the negative, he would, with the permission of their Lordships, change his course of proceeding, and merely *pro forma* conclude with a Motion for a Committee. This question had assumed rather more importance, owing to the circumstances that had occurred since the last meeting of Parliament. He would say, at the outset, that he had not the slightest intention to give offence:—he felt sure, notwithstanding anything he might say in reference to this question, that there was not one of his



brother officers out of that House or in it, whatever might be his age or circumstances, who was not ready to render to the country any services that might be required of him. It was also his intention not to mention the name of a single officer, but to confine himself to a statement of the average age of officers of the highest rank. The list that was most prominent, and of the greatest importance, was the list of Admirals, there being undoubtedly a sufficient number of captains in the vigour of youth and intellect who were capable of being selected for Her Majesty's service. The active list of full Admirals consisted of twenty-two in number, and he had calculated what was about the age of the youngest of those Admirals who stood upon the list. The manner in which he had calculated it was this—he had taken the date of his commission as captain, and the difference between it and the present year, to which he had added the age at which it was to be presumed he had been promoted to be a captain. He took that age to be twenty-five, and he believed that would be a very fair average age at which to presume an officer would be promoted to the rank of post-captain; and according to that calculation he found that the youngest officer on the list must be seventy-five years of age. To the Vice-Admirals' list he had applied the same test, and he found that the youngest officer amongst them was about sixty-nine. He would then go to the list of Rear-Admirals, and on that list there would be found many officers who were capable of taking charge of a squadron. There was still another list which without any exaggeration might be put in the same category as the Rear-Admirals' list, namely, the reserved list, which he believed stood pretty nearly at the same average age, with some exceptions. The various Orders in Council that had been drawn up for the purpose of relieving the country from officers who might be considered useless, had produced the result which he would now lay before their Lordships—a result which did not give a very satisfactory prospect to the country, at a period when it might be about to enter into a long war. The first of those Orders in Council was dated the 30th June, 1827, when it was thought advisable that steps should be taken for the purpose of so regulating the Navy List as to get rid by a certain process of the aged officers upon the list, and appoint young officers to fill their places. That Order in Council pro-

vided that captains who had reached by seniority the head of the list of captains with unblemished character, and had not declined or avoided service, should be deemed eligible to be superannuated with the rank of retired Rear-Admiral; secondly, that captains should be eligible to receive appointments as flag-officers, provided they should have commanded a rated ship for four years during war, or six complete years during peace, or five complete years of war and peace combined; thirdly, that lieutenants and commanders should respectively serve on board, in their respective ranks, two years, and one year before being capable of promotion to the rank of commander or captain. This Order in Council was considered by the Government and the country so unjust in its operation, that in the year 1840 it was repealed, and a new Order in Council was passed, enacting—

“That, in all flag promotions, every captain whose seniority brings him in turn for advancement shall be placed on the list of flag-officers, provided he has served as a captain, and shall not have declined service at any time when called upon, and that there be nothing against his character as an officer and a gentleman; but that the half-pay of those flag-officers who have not commanded one or more of Your Majesty's rated ships four complete years during war, or six complete years during peace, or five complete years of war and peace combined, shall not be increased beyond that of rear-admiral, unless they shall have rendered, as flag-officers, sea service of equal length to complete the period above mentioned, of which they were deficient as captains.”

By the same Order in Council it was decreed that retired Rear-Admirals should be allowed to remain on the active list, but should receive only the pay of Rear-Admirals. Again, in 1851, the Government went back, by another Order in Council, to the former system, and any officer not having served for their flags, according to the Order in Council of June 30, 1827, was obliged to retire to the reserved list, which reserved list, so called, was, he believed, virtually a retired list. He would point out to their Lordships the gross injustice perpetrated in this case. Taking sixteen officers promiscuously from the reserved list, and comparing them with sixteen taken at random from the active list, it would be found that the aggregate ages of the sixteen on the reserved list amounted to 1,027 years, and those of the sixteen on the active list amounted to 1,038 years. Therefore, according to this arrangement, the officers on the active list

were the older officers of the two. At the same time, that he was ready to admit that there might be officers at an advanced age who might be entitled to stand on the active list by reason of having retained their bodily and mental vigour to a degree which enabled them to undergo the fatigues of service to a late period; yet an injustice had certainly been inflicted upon the service, which no other body of men except the servants of the Crown would have quietly endured for so many years. When an officer entered the Navy, a moral contract was entered into with him by the Government, that if he was zealous in his duties, and conducted himself in an officer-like and gentlemanly manner, he might expect to have an opportunity of rising to the top of his profession; and that when he had gone through the whole ordeal of the service, and had perhaps, been connected with Governments and with Cabinets, and was expecting to attain the highest honour of his profession, he should not have the door of promotion shut in his face. Yet this was what the Order in Council actually did; for if an officer had not served in a rated ship for six years in time of peace, he was compelled to make his bow and retire from the service. If every officer had an opportunity of serving offered to him, and did not choose to avail himself of it, no injustice would be done to him by denying him promotion; but when the character of the service was such that they could not employ him, and such opportunities did not occur, then it seemed to him the last profession in the world in which they ought, when a vacancy occurred, to say to a man that because he had not served the fixed number of years he must retire altogether. Yet they actually said to him, "You may be a good and blameless officer, but we would not employ you, or have not employed you, and therefore, we must cashier you." It was absolutely necessary, if they wished to promote the efficiency of the service, that the list should at length be revised, and that nothing should be suffered to continue which created well-founded dissatisfaction in the minds of the service. Again, the regulation with regard to "rated ships" operated very unfairly. A rated ship might be very small, and an officer might have commanded her twenty years ago; he was, however, eligible to promotion, whereas the officer who might at a later period have served in a frigate or in a line-of-battle ship, simply because he had not ful-

*The Earl of Hardwicke*

filled the arbitrary term of service, would be altogether rejected. The Order in Council of 1846 also provided that the Superintendents of Her Majesty's Dockyards should have the time they had served on shore reckoned as time of service afloat; and even civil service, as the governor of an hospital, enabled an officer to obtain his rank in the Navy. Recently, a very peculiar mode had been adopted to check the advance of officers in the Navy. The deaths of Admirals were speculated upon, and when an officer was seen to have approached near to the top of the list, the Government refused to employ him, in order to prevent him from fulfilling the period of service necessary to qualify him for a flag. The Order in Council stated that the reason why an officer was required to have served six years was, that he should be fitted by previous experience to take the command. This appeared to be extremely sound and right; but how was it carried out? Whilst the regulation precluded a captain from rising to the rank of an active Admiral, because he had not served the whole time, on the other hand a young officer sometimes received a very magnificent ship, and a broad pennant, with the command of a squadron, who had perhaps never commanded anything but a small frigate in his life, and that, perhaps, only for a period of two or three years. Thus they perfectly stultified the alleged grounds of the system established by the Order in Council. He might make out a much stronger case before their Lordships if he were to enter into minute details, and to point out the case of individual officers; but that was a course which, out of delicacy for private feelings, he would not pursue. He was aware that there was a certain class of officers who personally benefited by the Order in Council, and who therefore might not be sorry for its existence; but he was perfectly satisfied that there was not one of those officers who would not acknowledge the injustice of the present system. He believed, if the Chancellor of the Exchequer would give his assistance in this matter, by offering to officers of various grades in the service the opportunity of disposing of their commissions altogether for an equivalent to be determined upon a fair principle, that a voluntary relief might be afforded both to the service and to the finances of the country by such an arrangement. He believed, moreover, if the Navy List was left on its old footing, and as an

officer rose he was allowed to take his rank, always reserving at the same time to the Crown the right of making any special selection of officers which it thought proper to employ, that these questions with regard to promotion in the Navy would never come before their Lordships. He hoped their Lordships would excuse him for detaining them so long, and he would merely conclude by moving for a Committee to inquire into this important subject.

Moved—

"That a Select Committee be appointed to inquire into the State and Condition of the Navy List."

THE EARL OF ABERDEEN said, that the noble Earl who had just resumed his seat might be assured that there was no noble Lord who did not sympathise with the views and motives which had induced him to bring this subject before their Lordships; and if it were not from a sense of what he (the Earl of Aberdeen) believed to be a duty he owed to the service and to the public, he should not be disposed to oppose the Motion of the noble Earl. He was quite aware that much difference of opinion had prevailed upon the subject from the time of the enactment of the regulation to which the noble Earl had referred; but it was a remarkable fact that, although that regulation had, he presumed, been brought before every Board of Admiralty that had existed since 1827, not one of those Boards, in any instance whatever, had thought proper to deal with that regulation. The regulation in question was framed by Sir George Cockburn when he was the naval adviser to the Board of Admiralty, at the time when King William was Lord High Admiral; and from that day to this not a single instance had occurred of an attempt to make any alteration in the rule in any respect whatever. It was true that there had been subsequent Orders in Council with a view to the extension of the rule then made, but not for the purpose of introducing any alteration in the Order in Council of the 30th of June, 1827. He would repeat that in no instance had any officer whatever been promoted to his flag without having previously complied with the conditions of that regulation. Before the regulation of 1827 was made, there was so much favour and caprice shown in the promotion of officers in the Navy, that there was no certainty whatever as to who would be promoted or who would not; and their Lordships must be aware of practices that were exceed-

ingly to be deprecated, that were resorted to in the promotion of officers in the naval service. It was, therefore, thought only reasonable that six years' active service as post-captain should be required as a necessary qualification, previously to any officer being entitled to receive an appointment as flag officer of the Fleet. Of course any regulation of an invariable description, such as that, must in its operation be attended with cases of individual hardship. He regretted that such should be the case. The noble Earl himself, and other noble Lords who were in a similar condition, might think that an alteration of the regulation of 1827 was necessary, and they might have reason to deplore the operation of the existing rule; but their Lordships would perceive that, if such a regulation were of any service at all, it must be invariably adhered to—for if once an exception were made, and the invariable character of the rule infringed upon, that would deprive it at once of all its fairness and of all its merit. He had conferred with his right hon. Friend at the head of the Admiralty (Sir James Graham) on this subject, and it was his opinion, as well as that of every preceding Board of Admiralty since the year 1827, that no mode more fair could be adopted to preserve efficiency in the service than to require a reasonable qualification on the part of the officer to be promoted. That being the case, although he (the Earl of Aberdeen) agreed with the noble Earl that practically the regulation had operated hardly in individual instances, yet he could not concur with him in thinking that the rule should in any case be relaxed, because he believed that any such departure from a fixed and unalterable character would impair the efficiency of the service, and be attended with consequences which would put an end to that fair and equitable proceeding which had hitherto characterised the conduct of the Crown in the promotion of officers in the Navy. Therefore, he could only say that, after the most full inquiries and examination of the subject, he had come to the same decision at which all preceding Boards of Admiralty had arrived—that, upon the whole, the present system, although attended with individual cases of hardship, nevertheless, was the most just and the most advantageous to the service that had been proposed.

LORD COLCHESTER said, that no doubt the subject to which his noble Friend had called the attention of their Lordships

was one of great difficulty. The noble Earl at the head of the Government had said that the regulation of 1827 was made by Sir George Cockburn when he was at the Board of Admiralty, and that it had never since been altered. Now, he begged to remind the noble Earl that two Orders in Council had been subsequently issued on the same subject—one in 1840, and the other in 1851. In the Order in Council of the 10th of August, 1840, it was stated—"that so much of the Order in Council of the 30th of June, 1827, as related to the promotion of captains to flag officers should be rescinded, and that those officers who had been placed on the retired list under that Order in Council should be placed on the list of flag officers according to their seniority as captains." He believed that this alteration of the regulation of 1827 was made in consequence of the case of Captain Debenham, which was considered at the time to be one of great hardship. Under the Order in Council of 1840 all captains who were ready to serve, whether they served or not, were put on a level with rear-admirals in respect to their pay. By the Order in Council of 1851, again, captains who had not served their full time, instead of being placed on the active list, were required to be placed on the reserved list, and to receive the pay of rear-admirals. Thus the Government had neither the power to require the services of officers on the reserved list, nor were the finances of the country benefited by the arrangement. With regard to the period of six years which an officer was required to serve in time of peace before he was entitled to his flag, he thought there ought to be some limit as to the time within which that service should have taken place. At present a captain might have served in command of two brigs, and remained on shore twenty-two years afterwards, and then he would be entitled to his flag, whereas another officer, who might have served two years in command of a large ship, and three years in command of a line-of-battle ship, would be thrown aside, merely because he wanted a year's more service.

THE EARL OF ELLENBOROUGH said, it was essential to the effective power of the service, and that the public interest required it, that every captain to have the qualification and rank of Admiral should have served for a certain period as commander of a ship in Her Majesty's service. Such was the rule, and no doubt it was

*Lord Colchester*

a just rule; still, after what had been stated by his noble Friend, he thought it very desirable to reconsider the details of the Orders in Council. For, certainly, there was something contrary to all reason in saying, that an officer should be considered qualified for a flag after having served six years in one of Her Majesty's rated ships, perhaps before 1830, yet that he should not be considered qualified by having served in another ship, where equal or even superior experience might have been acquired. Service rendered before steam had been introduced, and before very large ships were built, which were more difficult in manœuvring than smaller vessels, would be a very imperfect qualification for a flag in the present day; and generally the tendency of the Order in Council of 1827 was not to give us the captains who were most acquainted with the service as it was now, but captains acquainted with the service as it used to be, and as it was not now and never could be again. It appeared to him, therefore, that it was most desirable the details of the rule should be reconsidered. The noble Earl (the Earl of Aberdeen) had stated, that the rule was established in 1827, at the suggestion of Sir George Cockburn. No man was held in higher esteem, or more honoured, and deservedly so, than Sir George Cockburn, by the whole of the British Navy; but their Lordships must consider the difference of the naval service in the year 1827, and of the same service in the year 1853. In 1827 not many years had elapsed since the country had been involved in a long and arduous war, and, therefore, the probability of any captain being excluded by the restriction as to four years' service was very remote; but now after forty years' peace the practical effect of the rule was exclusion from promotion, and not admission. This was a further reason why he thought it highly desirable that the rule should be reconsidered in its details. He recollected most distinctly a claim made on behalf of Her Majesty, by Sir Robert Peel in 1846, to a power of promoting any officer of any rank in the Navy. That was a power which should never be confided to the Admiralty—it should not be for the Admiralty to make any such extraordinary promotion. That power had been most rightly reserved to the Crown, and a case might arise when Her Majesty might most wisely exercise that power by an Order in Council. There would be an



imple guarantee against the power being improperly exercised. No Order in Council could take place without the whole merits of the officer to be promoted being brought before the Cabinet. It would thus become a public measure, and one of the highest importance, and which it would be the duty of the Minister to defend in Parliament; and they might rest perfectly satisfied that it would not be adopted except under circumstances when the public would see it was plainly demanded. He thought it most desirable to guard the Navy against the introduction, or rather the extension, of anything like party feeling in the selection of any officer for any employment in the service of the Crown. He believed that he hardly used too strong an expression when he said he thought it a public crime in a man at the head of the Naval Department, or at the head of the Army, when, from private, personal, or party motives, he promoted a person over the head of another who was deserving of the promotion. It was his first duty to look around and select from every department the fittest man he could find. That was the true secret of success in war. It was, indeed, the true secret of success in civil affairs; but in war it was essential to success. Let them look around; for they would invariably find that, whatever might be the general merits of individuals—whatever might be their ability or their zeal—all great things in civil life, and even more, perhaps, all great things in war, were performed by some few, some very few, men of superior ability and superior genius; and there could not be a greater or a more valuable talent in a man placed in the situation of his noble Friend opposite (the Earl of Aberdeen), or, yet more, placed in the direction of the Admiralty, or of the Army, than that of discovering the ability by which great things might be done.

After a few words from Earl WALDEGRAVE, which were inaudible,

Motion (by leave of the House) *withdrawn*.

House adjourned to Thursday next.

## HOUSE OF COMMONS,

*Tuesday, February 7, 1854.*

MIXTURES.] PUBLIC BILL.—1<sup>o</sup> Oaths.

### STANNARIES COURT.

MR. COLLIER said, he would now beg to move for leave to bring in a Bill to extend

the jurisdiction of the Stannaries Court, to define and regulate the cost-book system of mining, and to limit, in some degree, the liability of partners in cost-book mines. The subject, he need scarcely inform the House, was one of great and growing importance. The discoveries in California and Australia had imparted a great impetus to mining transactions in this country, especially in the production of tin and copper. The prices of these minerals were still, however, higher than they had been for a considerable time. Moreover, gold had been discovered in the mines of this country in large quantities, and there was no reason to suppose that England, as well as Australia, might not become a gold-producing country. Under these circumstances the subject seemed to call for attention, and he was now going to ask leave to extend the jurisdiction of the Stannaries Court, which now had jurisdiction over the Cornish miners only, to the miners of Devonshire. The Stannaries jurisdiction had prevailed time out of mind in Cornwall, by which all disputes relative to tin mining had been determined. In 1836 its jurisdiction was extended to all other minerals, and considerable powers were given to it, together with an appeal to the Lord Warden of the Stannaries, which office was now executed by His Royal Highness Prince Albert. The Court had exercised a most salutary legal and equitable jurisdiction, which had given great satisfaction. The tin miners of Devonshire were supposed to be able to resort to their old Stannaries Court; but that had, in fact, now become obsolete, and he proposed to extend the jurisdiction of the Cornwall Court to Devonshire. He believed this measure would be generally approved of by all connected with mining operations in Devonshire. He was happy to say that the proposed extension would be attended with no increase in the burdens of the country. He had communicated to His Royal Highness Prince Albert, the Lord Warden of the Stannaries, his intention of bringing in this Bill, and he had been informed that, when the present vice-warden was appointed, His Royal Highness had stipulated that he should, if necessary, extend his jurisdiction to Devonshire without any increase of salary. Another part of the measure related to the regulation of mines conducted on the cost-book principle. In 1845 an Act had been passed for the regulation of joint-stock companies, requiring that they should

register certain particulars, and placing various restrictions on those companies; but joint-stock mining companies were exempted from the operation of the Act. But though the mines had been exempted from this Act, the Legislature did not define what constituted them. The cost-book system was a simple mode of conducting an adventure by means of a cost book, in which all the proceedings of the company were entered, and all shares were transferred by the simple process of striking out one name and adding another. By this system the whole body of the shareholders held frequent meetings, and exercised a complete control over their own affairs in a primitive and republican manner, and without the intervention of an aristocracy of directors. The Stannaries Act did not apply to cost-book mines, and the consequence was, that many companies were now endeavouring to evade the Joint-Stock Companies Act by a colourable compliance with the cost-book system, so that it was sometimes a matter of great difficulty to determine whether a company was liable to penalties for non-registration under the Joint-Stock Companies Act. He proposed to remedy this by compelling all cost-book mines to register with the vice-warden of the Stannaries of Devonshire and Cornwall, their rules and regulations, and to make it compulsory for them to have some regulations which would ensure a compliance with the cost-book system. The third portion of the measure touched on a subject of great importance—that of the limitation of the liability of partners. He proposed that mines which had conformed to the provisions of this Act should be entitled to borrow money on the common terms of the lender's participating in the profits, without being liable beyond the amount of his shares; and that a list should be published so as to furnish information of the names of the limited and unlimited shareholders. This led him to the subject of limiting the liability of partners generally in trading concerns. The House was well aware that by the law of this country a man who had but one share in a company was liable to his last acre or shilling. The law even went further, and said if any man lends a farthing of a trading concern on the terms of participating in the profits, although he took no part in the management, he should still be liable to his last acre or shilling. This was contrary to the law of nature, and to that of every civilised country. In

Mr. Collier

other nations the law of partnership *en commandite* had been introduced. It was by reason of that law that Florence, Genoa, and Venice, attained such unprecedented prosperity in the middle ages. It had been introduced in France, and received the approbation of the most eminent jurists of that country. By its means the people of Holland had been enabled to rescue large tracts of territory from the sea. It had also been adopted in the United States. It might be said that, under the present law, this country had attained its present degree of prosperity; but he said that the greatest works of the age, our railways, our canals, our steamers, had been produced by a breach of that law. But for the special intervention of Parliament for the purpose of breaking through that law, we should to this day never have had a railway or a steamer in this country, but should still be travelling by coaches and sailing vessels. The Birkenhead Docks would never have been constructed, the Menai Straits would never have been bridged over. Our law of partnership was inapplicable to large classes of trading concerns, which required the concentration of a great number of persons, and of great quantities of capital. The Board of Trade had a very invidious task to perform in selecting companies for special privileges, and, in doing so, they must cause great jealousy in other companies. It would therefore be extremely desirable that a large number of companies should be allowed, as a matter of right, to adopt the system of partnership *en commandite*, and that persons should be allowed to lend money to partnerships on the terms of participation in the profits, without being exposed to ruin. This system of limited liability of partnerships—the principle acted upon on the Continent—would tend, he thought, if adopted, to promote enterprises of public utility, such as gas and water works, and the improvement in the dwellings of the poor; for it was well known that a number of persons who had capital to lend were restrained from lending it by the fear of ruin. The present law of this country had the effect of deterring capitalists from advancing money for such schemes, and turned it into what he (Mr. Collier) considered an unnatural channel of limited liability, and had been in some measure the means of fostering schemes of a speculative nature and the railway mania. This principle of unlimited liability bore with peculiar hard-

ship on our mining companies. He had been told of an instance in which a farmer in the north of Devonshire had a mine discovered on his estate, who was presented by the company that worked it with five shares in compliment to his liberality and courtesy to the company. In consequence of this he became liable for the debts of the company, and was reduced to utter ruin. The effect of such a law tended to deter persons of respectability from embarking in mines, and gave them up to adventurers, who made mere speculations of them. He ventured to think that what he proposed would tend to place mining schemes on a more solid foundation, increase the capital embarked in them, and tend to develop the mining interests of the country to an extent that they could at present hardly calculate. He was aware that to carry out the principle that he advocated to the utmost, would be to extend the principle of limited liability of partnership to the whole Kingdom, and he would not shrink from the consequences of that. The present Bill would extend this principle only to mines in Devonshire and Cornwall, and he did not think they could try the experiment under more advantageous circumstances. It would be on a limited area, and under the control of a Court combining law and equity, and administering justice speedily and cheaply. If the experiment failed, it would not then be too late to retrace their steps; if it succeeded, he considered it would be a most important event. It would have the effect of giving additional opportunities for the investment of capital, especially to the middle and labouring classes. It would have the effect of interesting the labourer in the commercial transactions of the country, not merely as a labourer, but as a capitalist; it would also have the important social effect of tending to bring together labour and capital, the interests of which, though they might sometimes appear antagonistic, were not so in reality. These were the grounds on which he proposed to introduce the present Bill.

THE ATTORNEY GENERAL said, this was unquestionably a matter of great importance, and he begged to assure his hon. and learned Friend who asked leave to introduce the Bill, that it was one to which he was willing to pay every possible attention. He was far from saying that he was prepared to go all the length of his hon. and learned Friend in the matter on which he proposed to legislate. It was a

subject which involved questions of the greatest importance. That of limited liability, for example, was one on which there existed great diversity of opinion—some thinking that it would add greatly to the trade and enterprise of the country, while others looked upon it as too vast a change to introduce into the law of partnership. So far as he was concerned, his hon. and learned Friend should have leave to bring in the Bill, and he could promise him that it should receive the utmost consideration at his hands. There was no doubt that he had devoted much attention to the subject, and the measure was one well worthy the attention of the House. Without at all pledging himself or the Government, therefore, to any opinion with reference to the matter, he would give his assent to the introduction of the Bill.

MR. HUME said, the subject was one of such vast importance, and the opinions which prevailed in the country were so decidedly in favour of limited liability, that he thought the House ought to have from the Government as early a decision as possible. A Commission had been appointed to inquire into the law of partnership, which Commission might have, he thought, obtained all the necessary evidence in a few days, and he rose to express a hope that the Government would not allow any time to be lost, for there was throughout the country a disposition that the law of partnership should be reconsidered. He frankly owned that up to a recent period he had been opposed to the principle of limited liability; but at length he had become so satisfied from many facts which had reached him of its advantages, that he confessed he was a convert to the doctrine, and, like all those who embraced a new faith, felt very anxious for its promulgation. The middle and lower classes took a deep interest in the question, and he must again express a hope that the Government would lose no time in bringing the matter fully and fairly before the House.

MR. MOFFATT said, that as one who had a large interest in mining operations, he wished to offer to the House a few observations upon the question then under its notice. It seemed to him not a little strange, when he reflected upon the great extent and importance of those operations, that no measure for their better regulation had up to the present day been submitted to Parliament. He believed that the measure which his hon. and learned Friend (Mr. Collier) asked for leave to introduce,

was a step in the right direction, and he (Mr. Moffatt) felt assured that one provision of that measure—the extension of the jurisdiction of the Stannaries Court to Devonshire, would be regarded as a great boon by the inhabitants of that part of the country. With respect to the cost-book system he must observe, that it was one fraught with inconvenience as it now stood, and he should like to see the principles of that system well and clearly defined. Now, with reference to the importance of the interests which were involved in mining operations in this country, it would merely be necessary to state to the House a few facts in order to convince hon. Members of their magnitude. He found upon inquiry that the quantity of copper which had been produced from the mines of Cornwall and Devonshire in the year 1729 had been valued at 30,000*l*. In the first year of the present century it appeared that the quantity produced had been estimated at the value of 500,000*l*., while last year its value had been 1,211,000*l*. With respect to the law of limited liabilities, he had merely to observe that, so far as he could ascertain the feelings of the people in the south-western counties of England, they were entirely favourable to its extension to mining operations. There were also other portions of the Kingdom—Wales, Westmoreland, and Cumberland, for instance—in which mines existed, and into which it was desirable that the law should be introduced.

MR. WILKINSON said, he was strongly in favour of the principle of limited liability. One great advantage he anticipated from it would be that of putting an end in a great measure to the strikes which so often distracted and disturbed the manufacturing interests of the country. It would enable a large class to take a share in commercial enterprises who were now excluded from them—fearing the responsibility which attaches to them—and would greatly extend the demand for labour.

MR. W. BROWN said, he was no convert to the principle of limited liabilities generally. He was quite convinced that this country owed much of its prosperity to the credit and honour of the British merchant, which he believed would be greatly impaired if we were placed in the same condition as France at this moment, through the adoption of the principle of limited liability. As matters now stood, a merchant who wished to have transactions with foreigners was often deterred from engaging in them because he was not able to ascer-

tain the position in which the parties stood, in consequence of this very law of limited liability. It was dishonourable for any commercial man who profited largely in years of prosperity to evade his share of the burdens and losses which fell upon traders in years of adversity; yet in 1847, and similar years, he did not doubt there were many who would have availed themselves of the shelter afforded by the law of limited liability, had it existed in this country, and the character of our traders would consequently have suffered. In mining concerns and railroads, in large and speculative undertakings, or in new pursuits, it might be expedient for the Government to grant the protection of limited liability; but he would prefer that in each individual case of parties coming before the House, it should be decided whether it was expedient to have limited liability or not. If we had prospered on the system of unlimited liability, he hoped that our prosperity would not be endangered by the adoption of the opposite system.

MR. H. H. VIVIAN said, he thought that if the jurisdiction of the Stannaries Courts was extended to the neighbouring county of Devon, the House would confer a great boon on the mining interests of that county. On the question of limited liability, he begged to say that he thought it would be highly undesirable to introduce it generally into our commercial system, but it appeared to him that there were certain undertakings with regard to which it would operate beneficially, such as required an amount of capital quite beyond the control of individuals—railway and steamboat undertakings, for example, and also insurances and others attended with great risk. He conceived that mining especially came within the class of undertakings to which this principle was applicable, and the practice of the country showed that it was so, for he could not recollect the case of a single mine in Devonshire or Cornwall that was carried on by an individual.

VISCOUNT GODERICH said, the law of partnership was in a position in which it could not be allowed long to remain. The power now vested in the Board of Trade of granting at its pleasure charters by which special privileges were conferred on some bodies, while they were denied to others whose object was similar, was virtually a power of granting monopolies. This objection would be removed if limited liability were granted to all who were prepared to submit to the stringent regula-

*Mr. Moffatt*



tions which would in that case be necessary. If it were right to suspend the law in favour of large undertakings, how could it be just to enforce it against those who were engaged in undertakings which required a small amount of capital? The present law often operated with very great injustice. Let the House take the case of a man who had made a valuable discovery. This man wanted capital to carry out his discovery. He went into the market to raise it, but here he was met by the law of partnership, and he could not obtain the money which he wanted, because the capitalist would not be satisfied with a fixed rate of interest, and the law forbade him to share at all in the profits of the undertaking, unless he was willing to become liable in the event of its failure, with his last shilling. It was, however, chiefly on account of the interests of the working classes that he advocated the principle of limited liability. He agreed with the hon. and learned Member for Plymouth, that by the alteration of the law which he sought to effect, they would do something towards putting an end to the disputes between capital and labour, which must have of late engaged the attention of every Member of that House. A law which would enable the master, if he chose, to share a portion of his profits with those whom he employed, would tend more to bind together the interests of the two classes than any other measure that could be passed. And if workmen themselves wished to combine together to carry on manufacturing operations, whatever might be the opinion of the House as to the result, they ought not to be denied the opportunity of making the experiment. He trusted, therefore, that the whole subject would shortly come under the consideration of the House.

MR. CARDWELL said, before the question was disposed of, he wished to remind the House in what position the principle of limited liability now stood. His hon. and learned Friend the Attorney General had stated that he had no objection to the first reading of this Bill, which, as he understood it, was for the purpose of extending the jurisdiction of the Stannaries Court to Devonshire; but in the course of the discussion that other question was introduced. He wished to remind the House, that in 1850 a Committee of that House had sat upon one branch of the subject. In 1851, another Committee sat for the purpose of more particularly considering the law of partnership, and upon

that Committee were men of great commercial and legal ability, who had investigated the subject. Immediately upon the accession of the present Government to office, a Commission was appointed, in accordance with a recommendation of a Committee, consisting of eminent legal and commercial men. That Commission had been most attentively engaged in investigating the subject. That very day he had been informed the Chamber of Commerce of Liverpool had been consulted by the Commission, and he thought, therefore, it was obvious that in sanctioning the first reading of this local Bill for Cornwall and Devonshire, the House was not passing an opinion aye or no on the greater question which was now under the consideration of a Commission. He would offer no opposition to the introduction of the Bill, but would defer any opinion upon the question of limited liability until the Commission had concluded its labours.

*Leave given.*

Bill *ordered* to be brought in by Mr. Collier and Mr. Moffatt.

#### BUSINESS OF THE HOUSE.

SIR JOHN PAKINGTON said, he rose pursuant to notice, to move that a Select Committee be appointed to consider whether, by any alterations in the forms and proceedings of the House, the despatch of public business could be more effectually promoted. The noble Lord the Member for London (Lord J. Russell) had upon a former occasion signified it to be his intention to offer no opposition to the appointment of a Committee, in connexion with the subject which he (Sir J. Pakington) was about to introduce to their notice. No opposition to his Motion would, he was given to understand, be made upon either side of the House, and he should, therefore, detain the House but a very few moments while he adverted to the subject to which it referred. Hon. Members must be well aware that a great pressure of business had prevailed in that House of late years. In the Session of 1848 that pressure had become so great that upon the Motion of the hon. Member for Malton (Mr. Evelyn Denison), a Committee had been appointed to inquire into the means by which it might be obviated. That Committee in its Report had stated that the time at their disposal—having only been appointed at the close of July—was so short as to prevent them from giving that consideration to the various suggestions which had been made for the pur-

pose of effecting an improvement in the mode of transacting public business which they desired. A strong impression prevailed out of doors that the greater portion of the time of Members of the House was occupied in talking. Now he did not feel perfectly sure that there was not some foundation for that impression. In the course of last Session fifteen hours and a half had been consumed by certain right hon. Gentlemen in making three speeches. The several offenders to whom he alluded were his right hon. Friend near him the late Chancellor of the Exchequer (Mr. Disraeli), the present Chancellor of the Exchequer, and the right hon. President of the Board of Control (Sir C. Wood). He could not presume to criticise speeches coming from such distinguished orators, though it was certain that the two Chancellors of the Exchequer ran what in sporting phraseology was termed a dead heat, and the President of the Board of Control had beaten them both. Now, although he (Sir J. Pakington) would not presume to criticise the speeches of those right hon. gentlemen, yet he might be permitted respectfully to state that in his humble opinion those speeches would have been better if they had been somewhat more brief. In the Report of the Committee to which he had alluded, he had found a statement to the effect that in the five years which elapsed between 1832 and 1837 the number of petitions which had been presented to the House was upon the average 7,436 for each year; that from the year 1837 to 1842 that average had been 14,014; while during the time which expired between 1842 and 1847 the number of petitions had increased to the annual amount of 16,397. The number which had been presented in 1848 was 18,450. He was perfectly aware that the time occupied in the presentation of petitions was not very important in extent; but he had mentioned the facts to which he had just called the attention of the House in order to demonstrate, though in a somewhat indirect manner, the ratio in which the general business of the House might be supposed to have increased of late years. He found also from the Report of the Committee that in the year 1848 forty-four public Committees had been appointed by the House—twenty-eight Election Committees, fourteen Railway Committees, and seventeen other Committees had also been appointed—while the number of Committees appointed to consider Private Bills had been 112, making

*Sir J. Pakington*

in the whole a total of 215 Committees appointed in that year. Now, he remembered that the noble Lord opposite had in the course of last Session, requested that hon. Members would abstain from moving for new Committees, on account of the difficulty of procuring Gentlemen who were at liberty to give their services. Indeed, last Session the business of the House, generally, had been unusually heavy. Parliament had assembled in the month of November, 1852, and, with the exception of a few weeks, had continued to sit until the close of August, 1853. No doubt, a great amount of public business had during that time been transacted; but many important measures had, in consequence of the pressure upon the time of the House, been abandoned altogether; while others had been hurried with a precipitation which, in his opinion, was highly discreditable to that House as a legislative body. Another objection which might be urged against the existence of the present mode of proceeding in the House was, that the physical exhaustion to which it subjected hon. Members was likely to prevent men of high intellectual attainments, who could not undergo that degree of exhaustion without injury to their health, from devoting their time to the service of their country. The hon. Member for Salford (Mr. Brotherton) complained of the hours that were kept in the House; but unless some resolutions were come to relative to the form of transacting business on an improved method to that now adopted, he could expect no material change in this respect, as the House did not select from choice, but was compelled by necessity to sit late. It was to afford a remedy for such a state of things that he had deemed it advisable to make the present Motion. He must confess that he did not feel very sanguine as to the beneficial consequences which would result from the appointment of a Committee; but it must at all events be admitted that the names of the Gentlemen whom he had nominated to serve upon that Committee afforded a sufficient guarantee that no change would be made in the proceedings or forms of the House without due deliberation.

SIR GEORGE GREY said, he would not oppose the formation of the Committee, but he must candidly confess he was without any very sanguine expectation of advantageous results from it. Its considerations would be confined to public as contradistinguished from private business, and it

was the private business which caused that pressure on the time and convenience of the House of which they were all so painfully sensible. He was a member of the Committee which some five or six years ago, on the Motion of his hon. Friend the Member for Malton (Mr. Evelyn Denison), considered this subject, and which suggested various modes of facilitating the progress of public business; but it was the general impression of that Committee that it was not desirable to impose new restrictions on the privilege of debate which were likely to be regarded with disfavour by the House generally. From the Committee, however, there originated certain suggestions, some of which had been adopted by the House, and which had been found to work well. But the Session, nevertheless, had lasted quite as long as before. The fact was, that there was no hope for that House except in the good sense of its own Members, in confining themselves to the subject under discussion, and forbearing from making unnecessary speeches.

SIR HENRY WILLOUGHBY said, he entirely concurred in this last observation. Unless hon. Gentlemen would restrain the flourishes of their eloquence, and come to the determination of only speaking when they had something to say, and avoid stating what had already been stated by others, the House would be harassed, overworked, and worried to the end of time. It was certainly desirable that there should be some improvements in the present mode of doing business, and, above all things, that long debates after midnight should be avoided. He could call the attention of the House to many occasions when important measures were pressed on between twelve o'clock at night and two in the morning; and he knew of cases where the clauses of a Bill were gabbled over at the rate of ten clauses a minute. He hoped that the Committee would direct their attention to the importance of providing a remedy for this crying evil.

*Motion agreed to.*

Select Committee *appointed*, "to consider, whether, by any alterations in the forms and proceedings of this House, the despatch of public business could be more effectually promoted:"—Sir John Pakington, Lord John Russell, Mr. Disraeli, Mr. Goulburn, Mr. Evelyn Denison, Mr. Sotherton, Mr. Greene, Mr. John Ball, Mr. Wilson Patten, Mr. Brotherton, Sir George Grey, Mr. Walpole, Lord Stanley, Mr.

Hume, and Mr. Bright:—Power to send for persons, papers, and records; Five to be the quorum.

MR. SPEAKER said, that he would take that opportunity of stating that he had prepared during the vacation a Manual of the Forms and Rules of the House, and if the House thought fit to refer it to the consideration of the Committee, it might perhaps be found useful to them.

LORD JOHN RUSSELL said, that the House was much indebted to the right hon. Gentleman for the preparation of so useful a work, and he should move that it be referred to the Committee.

MR. SPEAKER laid on the Table Rules, Orders, and Forms of Proceeding of the House of Commons relating to Public Business; *referred* to the Select Committee on the Business of the House.

#### THE DUCHY OF CORNWALL.

MR. KENDALL moved, that there be laid before the House a copy of recent correspondence [1852 and 1853] between the Duchy of Cornwall and the Woods and Forests, on the subject of the rights of the Duchy in the county of Cornwall.

MR. J. WILSON said, he considered this a most improper return to grant in its present shape, as it called for the whole correspondence between the Duchy and Woods and Forests, without defining any particular subject, or any particular correspondence. The correspondence was not only bulky, but, also, would be extremely inconvenient to be produced, as bringing before the public matters which were still under consideration, the settlement of which might thus be materially impeded. If the hon. Gentleman would specify any particular correspondence, if it were not objectionable, it should be furnished.

MR. KENDALL said, that five years ago a Commission was issued to define the limits of the rights of the Duchy of Cornwall and the Woods and Forests. Those limits were fixed, but since then a correspondence had been going on between the Duchy and the Woods and Forests to see whether the Duchy had not greater rights. He and others were, therefore, anxious to see that correspondence, and to know what was going on, but it was perfectly impossible for him to specify any particular correspondence, or he would have been most happy to do so.

MR. J. WILSON said, he thought that the reason mentioned by the hon. Member was quite sufficient to justify the House in

refusing this return. Plainly, the interests of third parties would be materially affected, and matters brought forward which were still under discussion, and out of which litigation might arise. It would, therefore, be extremely unfair to divulge a correspondence in such a stage which would have such an effect.

*Motion negatived.*

#### ALLEGED CORRUPTION OF IRISH MEMBERS.

MR. I. BUTT: I rise, Sir, for the purpose of calling the attention of the House to a matter which I think they will consider to be of some moment to the character, not only of a large section of the Members of this House, but to the character of the House at large; and, under these circumstances, I am sure the House will pardon me if I venture to ask their attention for a short time to the case I have to bring under their notice. I believe I may presume that there are very few Members who have not read in an influential journal of yesterday morning, an article certainly insulting to one section of the Members of this House, and I think derogatory to the character of the House in general. I feel persuaded that there is not a Gentleman in this House who will not think that the charge which has been advanced in that article against the Irish Members, made it incumbent upon some one of those Members to take the very earliest opportunity which the forms of the House permitted of bringing the subject under the consideration of this branch of the Legislature. The facts of the case may be briefly told. At a public dinner, given in Tuam, in the county of Galway—a dinner at which it is not unimportant to observe that some Gentlemen who are Members of this House were present—at that dinner, given, I believe, to celebrate the principles of the Tenant League, statements were made by two gentlemen, to the effect that within their own knowledge instances had occurred in which the patronage of the Crown was sold by the Irish Members of this House; that those Members had obtained that patronage from the Minister of the day in return for votes given on divisions in which the Minister was hard pressed; and that the patronage so procured had been sold for money. I think every Member of this House must feel that if the forms of the House should permit it, it is of vital importance that we should put this matter in a train for immediate investigation, so that

*Mr. J. Wilson*

the scandal charged should be disproved if it have no foundation, or that if it be well founded, the guilty parties should be exposed to whatever penalties they may have incurred. I think I can state a precedent which we may follow for the purpose of attaining that object. I believe that when I shall have read one or two sentences from the article in the *Times* of yesterday, the House will feel that it contains a libel on this House, and, therefore, constitutes a breach of our privileges. The course I propose to pursue is, to complain that the article is a breach of our privileges, and then to move that it be read by the Clerk at the table, and afterwards that it be referred to a Committee of Privileges, to inquire into the charges in question, and to report thereon. In so doing, I have strictly followed the precedent I have alluded to. I have exactly copied from the Journals of the House the words of a Resolution adopted on a similar occasion. In the year 1834, a Gentleman, who was then a Member of this House, stated, at a public dinner in the north of England, that an Irish Member, whose name he did not mention, who had publicly spoken and voted against the Irish Coercion Bill, had spoken approvingly of it in private to the Minister of the day. One course was taken at the time which I hope will not be followed on the present occasion—namely, several Irish Members rose in their places and denied the imputation, as far as they were concerned. It appears, from the Journals of the House, that the *Examiner* newspaper, which happened to contain a report of the speech in which the charge was put forward, was handed in as containing a breach of the privileges of the House; that the charge was read by the Clerk at the table; and that a Committee of Privileges was then appointed to investigate and to report upon the matter. That Committee reported that the charge against Mr. Sheil—for it was against him that it was directed—was unfounded; and it was afterwards withdrawn by the Gentleman who had first made it. I believe, that, following that precedent, we shall be able, consistently with the forms of the House, to institute an investigation, for which, I think, hon. Members generally must be anxious, into the scandalous charge to which I am now referring. The course I shall pursue is formally to complain of the article as a matter affecting the privileges of this House, and then to move, first, that it be read by the Clerk



at the table, and afterwards that it be referred to a Committee of Privileges, who shall have full power to inquire into, and to report upon, the whole matter. Having stated the course which I propose, and the precedent upon which I rest it, I must now ask the attention of the House to a very short statement of the facts on which the charge is founded. From the *Times* of the 30th of January, it appears that at a public dinner held in the city of Tuam, which is stated to have been a "most influential" one, and which was attended by his Grace the Lord Archbishop of Tuam—I hope the Solicitor General for Ireland is not taking a note of the title—by Mr. Moore, Member for Mayo; by Mr. Lucas, Member for Meath; by Mr. Swift, Member for Sligo; and by some other Irish Members—it appears that at that dinner Dr. Gray, a gentleman who was a candidate for an Irish county at the last election, and a gentleman, as I can say from my own knowledge, of considerable position in Ireland—Dr. Gray stated—I need not read his speech, which was delivered at a public dinner, with perhaps some oratorical amplitude of expression, which I may condense without injury to the substance—Dr. Gray stated that at a time when paid guardians were appointed to administer the business of Poor Law Guardians in Ireland, a friend of his consulted him with respect to a proposal made to that friend by an Irish Member of Parliament, to the effect that that Member would obtain for him the situation of a paid guardian if he made over to him the amount of one year's salary on obtaining the appointment. Dr. Gray, however, had ascertained that the office was one which the Government meant shortly to abolish, and that a person purchasing it at the price of a year's salary would only enjoy it for five months. Now a more scandalous charge than that against a Member of Parliament it is impossible to conceive; and the charge was made not anonymously, but was made by a gentleman addressing a numerous and excited audience, in the presence of Members of Parliament, and made, it will be observed, not as an isolated instance, but as an illustration of the mode in which business is managed in this House, and the means by which Ministers obtain majorities. There was a second statement made by another gentleman, a Mr. Kelly, of whom I know nothing, but who, I presume from the "rapturous applause" with which he was received at this great

demonstration, is a gentleman of some standing and position. He stated that he knew, of his own knowledge, a Member of Parliament who received 500*l.* on condition that he obtained for a third party the promise of an appointment as a stipendiary magistrate, and who was to receive 500*l.* more as soon as the appointment should have been actually made. Mr. Kelly added that on a particular occasion when the Minister was hard pressed for votes the promise was given, and the 500*l.* were paid; and that on another occasion, when the Minister was again hard pressed, the appointment was actually obtained; and then the man who had purchased the office turned round—it is hard to say that this or anything else can aggravate the infamy of the transaction—turned round on the person through whom he got the place and refused to pay him the second 500*l.* Now, I think that if the matter rested here, there is not a Member of this House who would not feel anxious, that, if the forms of the House permitted it, this statement should be subjected at once to investigation. It is very easy to say that this is a libel on the character of Irish Members, and it is very easy for English Members to treat that as a matter of little moment; but it is impossible, even if you were so disposed, to lower the character of one-sixth of the Members of this House without lowering the character of the whole of this assembly. I will go further, and say that it is impossible to lower the character of Members representing Ireland in this House, as this statement does lower them, when applied to them as it is applied in the *Times* of yesterday, without inflicting on the cause of constitutional government all over the world a heavy blow and great discouragement. No persons, I presume, would be more anxious that this statement should be investigated than the Gentlemen occupying the Treasury benches opposite. It is a libel on the Minister, because it is plain that no person can dispense the patronage of a Minister without his consent; and observe, that the statement made is, that when the Minister was pressed on a division he placed this office at the disposal of a man who made his vote the condition of obtaining the office, and who turned into money the patronage so given to him as a bargain for his vote. Speaking for the gentry of Ireland, I must say I think they have some right to demand an investigation into these two transactions. See how the case stands. The parties to whom

these proposals were made were offered the office of a paid guardian and the office of a stipendiary magistrate. Both these offices were created for the express purpose of securing by paid officials of the Government the due discharge of duties which you would not confide to Irish gentlemen in their own districts. The duties of our guardians of the poor were transferred to paid guardians—the administration of the Poor Law was taken out of our hands—the local guardians were not to be trusted. To insure efficiency and purity they were to be superseded by persons selected by the Government. How are they selected? The office is set up for sale. So again with the office of stipendiary magistrate. They said that they could not trust the local magistrates—that those magistrates were partisans, and that the administration of justice should be free from taint; and they therefore sent into every district paid magistrates to watch the gentry of Ireland. That office, too, was sold. I think the gentry of Ireland have a right to ascertain whether the powers which were taken away from them because it was said they could not fitly use them, have been obtained in the mode stated in this charge. But, more than this, there is another reason for the investigation which I now propose. I believe that many of the Irish Members can afford to despise these accusations; but how are the stipendiary magistrates of Ireland circumstanced—in what position are they placed? There is a statement that one particular magistrate purchased his place and then cheated the man from whom he bought it; and that man is now, perhaps, sitting upon the magisterial bench in Ireland, lording it probably over the unpaid magistracy. He is sent down, we may naturally suppose, on particular occasions to institute inquiries which could not be confided to the partisan spirit of the unpaid magistracy; and this paid agent of the Government is sending perhaps to the treadmill men, who, if this story be true, are far more honest than himself. Is it not just to the stipendiary magistrates of Ireland—is it not due to the law they administer, that an inquiry should be made into this subject, that they should know who this man is who bought his appointment? But I do not hesitate to say justice to every Irish Member of Parliament demands that, if I may use the expression, the saddle should be put upon the right horse, and that if there is a guilty man among them, his name should be made

*Mr. I. Butt*

known. If there were any doubt upon this point, I think that doubt would be set at rest by a paragraph to which I am about to call the attention of the House as a breach of its privileges. The *Times* of yesterday morning deals with the matter thus:—

“ We have satisfied the theory of the constitution, as far as the Irish division of the Empire is concerned, with no sparing hand, but we have not succeeded in obtaining a body of representatives which an Irishman could look upon with satisfaction, or an Englishman without dismay. In the name of constitutional government, we may be permitted to ask what does the section of Irish Members represent beyond the embodied wish of some hundred needy men to obtain place, salary, and position ? ”

Now that statement is made because it is alleged, that at a dinner at Tuam, two Irish Members—it is not even said at what intervals—were charged with this high offence. This journal, for no other reason, thinks it right to hold out to the British public, and to hold out to Europe, without exception, or without qualification, that 100 Irish Members—unless we assume that 100 instead of 105 being mentioned constitutes some exception—that 100 Irish Members here are nothing but needy men seeking place, salary, and position. I confess I felt indignant when I read this charge. I felt I should be justified in appealing to the sense of justice of British gentlemen, and asking them if this is a fair way of dealing with us. I ask—and I am sure the House will not refuse the demand—that I be judged here by my own actions. Believe me these libels do mischief. These libels on a whole nation are read, I know, with feelings of deep indignation in Ireland. They mar that desire for amity between the two nations which some of us, who in this article are insulted and maligned, have made sacrifices at home to support. I do not, Sir, mean to follow up my Motion by any penal proceedings against the editor of the *Times*. I think the time is gone by when this House can maintain its character by any such proceedings. I believe the best way in which we can now maintain our character and vindicate our honour, is by showing that we are anxious to ascertain the truth in cases such as this, and that we are prepared to punish the offenders if such charges be established. But the House will pardon me for speaking under the influence of strong feeling, when I find that that which is as dear to me as my own personal honour—the character of

my country—is attacked. I ask English Gentlemen, is there any particle of justification for this article—one more unfair and ungenerous than which has never, I think, appeared in the English press? There are Irish representatives in this House who are in station, fortune, and rank equal to any of the English representatives; and I will say that among those of us who have not the advantage of hereditary wealth and station, there are men as incapable of pursuing a sordid and unworthy course as any one of the English Members. Believing as I do that this article in the *Times* violates the privileges of the House, I think that the House has a right to inquire into this case; and I believe that, in conformity with the precedent to which I have already referred, the House, in treating this as a question of privilege, ought to refer it to a Committee, which would give the parties who have made the charges an opportunity of substantiating them, or would enable the Irish Members against whom the charges are directed to prove that they are unfounded. I think the Irish Members are, in justice, entitled to the investigation for which I ask. I believe it is not necessary for me to trouble the House with any further observations. The subject is one upon which I feel very warmly, and, indeed, I have scarcely allowed myself to trust to my own feelings in bringing the matter before the House. If I have spoken upon the subject—I will not say with warmth, but with more warmth than was becoming, I am sure the House will feel that that is owing to the earnest wish which I entertain that the Irish Members should occupy a position above suspicion; and that if there is any guilty one among them, the just consequences of his guilt should fall upon him alone. We, the representatives of Ireland, in this the Parliament of the United Kingdom, stand on a perfect level with you, the representatives of England. We believe that it is only by professing our readiness to investigate any charge which may be advanced against us, that we can maintain a character which will enable us to discharge efficiently the duty which we owe, not only to Ireland, but to the Empire at large. With these few observations, and thanking the House for the patience with which it has listened to me, I beg leave formally in my place to complain of the article in the *Times* of yesterday, to deliver in the paper at the table, and to move

that the article be read by the Clerk of the House.

The Clerk at the table accordingly read the article from the *Times*.

MR. BUTT then moved that a Select Committee be appointed to inquire into the allegations contained in the said publication.

MR. J. O'CONNELL: I rise, Sir, to second this Motion. I differ, however, from the hon. and learned Gentleman who proposed it, but only on one point—namely, with regard to his complaint of the *Times* newspaper. I do not think that we Irish Members are at all justified in complaining of the conduct of the *Times* newspaper; for, when our own newspapers have set the example of defaming and maligning the character of the Irish representatives, I think our indignation should first be directed against them, and that we cannot wonder that the great organ of England should—in the immense scope of the intelligence it gathers from all quarters of the world—have taken up this subject among others. There is, unhappily, a most miserable spirit of accusation, recrimination, bitterness, and dissension in Ireland, which renders us the laughing stock of the world. With regard to the charges themselves, I will say this. I believe I had not the honour of a seat in Parliament during the period to which those charges refer; but I had the honour of a seat in this House for a number of years, and I must say that I never before heard any such charges advanced with anything like the colour of proof adduced. I sincerely believe, from what I know of my brother Members, and from what I have always known of the Irish Members generally, that these charges will be found to be utterly baseless—that they will be found to be mere miserable calumnies. At the same time I most heartily concur in the inquiry now proposed. I go with the hon. and learned Member to the fullest extent, and I hope the inquiry will be pushed to the uttermost degree. There is one feature, however, with respect to the article, which has not been noticed by the hon. and learned Gentleman (Mr. Butt), and that is, the position in which the gentlemen who brought forward these charges have placed themselves. Dr. Gray admits that he was consulted upon this most foul transaction. The appointment of paid guardians has now ceased for nearly three years. For nearly three years, therefore, these charges have been kept

locked up within Dr. Gray's breast. His zeal for the public interest, for the honour of his country, and for the purity of its representation, have consequently been in abeyance all this time. I must confess that if a gentleman presumed to consult me upon the details of any such transaction, I don't know whether I might not at the moment be hurried into some act of heat; but this much I do know—that not for one day, not for one hour, not for one minute, would I consent to bottle up such a subject. I say Dr. Gray has placed himself in this position—that, from having so long concealed it, he is, to a certain extent, an accomplice in the matter. As to Mr. Kelly, if I am rightly informed, he not only was equally guilty of concealment—for he did not bring the subject forward till what he thought a convenient moment—but he actually assisted in the nefarious transaction, he actually lent his aid to this gross, base, disgraceful, infamous, and unconstitutional proceeding. I do trust, that before the Committee now to be appointed, these gentlemen will be called upon to explain their reasons for so long concealing the circumstances. I hope Her Majesty's Ministers will not offer the least objection or opposition to this Motion. I trust there will be no objection to it on the point of form or otherwise. I also hope that the investigations of the Committee will be most searching. The honour of Irish Members is concerned, and I think we are indebted to the hon. and learned Gentleman for taking up the question. I must say, however, that I don't think it ought to have been left with him to take it up. On looking at the reports of the dinner, I saw that there were Members of Parliament present; and when such an offence against morality was imputed to Parliament—when such a charge was made against their brother Members, they were bound either to vindicate them, to join in the denunciation, or to bring the matter before the High Court of Parliament to which they belonged. Since, however, they have not thought proper to do so, I must say that I, as an individual, feel deeply indebted to the hon. and learned Gentleman—and I think the House ought to feel so too—for having brought this subject under our notice.

LORD JOHN RUSSELL: I think, Sir, the House cannot feel the slightest doubt or hesitation in the propriety of assenting to the Motion of the hon. and learned

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Member for Youghal. It is due to the honour of Parliament, to the character of the Government, and to the character of those Irish Members who have been included in that sweeping denunciation to which the hon. and learned Gentleman has called our attention. I do not, however, wish to follow the hon. and learned Gentleman in his remarks respecting the comments of the *Times* newspaper, or to follow the hon. Gentleman who seconded the Motion in his observations upon the conduct of Dr. Gray and Mr. Kelly. I will only say that we have the names of Dr. Gray and Mr. Kelly as the persons who have made these charges. We have, therefore, the means of investigation, and I trust that the investigation will be pursued to the utmost extent, in order to ascertain whether there is any truth whatever in these statements. If such offers were made, I trust the Committee will ascertain from whom they proceeded, and to whom they were addressed; and, in short, that they will inquire into all the particulars and details connected with the transactions.

MR. J. BALL: Mr. Speaker, I should not interfere on this occasion but that possibly I may contribute a little to the information the House may desire to have as to one of the transactions commented upon in the *Times*. In the course of the various articles which have appeared in different newspapers on this subject, it is stated that the Government of the day was responsible for the appointment of paid guardians in Ireland. Now, it does so happen that the persons responsible for such appointments have been Mr. Twisleton, the late Chief Commissioner of Poor Laws in Ireland; the present Chief Commissioner, Mr. Power; or the humble individual who now addresses the House. I believe Mr. Twisleton was well known to many Members of this House; he was well known out of it; and I will venture to say that no public officer in any position could have shown more independence, or a more honest, anxious, and scrupulous desire to discharge his duties without regard to any considerations of party or personal favour. With regard to Mr. Power, I may say the same, and I think I may appeal to Irish Members—at least to those who have been acquainted with his proceedings during the long time he has been in Ireland—for confirmation of my statement. But, fortunately, a practice was



introduced into the office, and was most diligently adhered to as long as I was able to exercise any influence there, of requiring that every recommendation connected with appointments in that department of the public service should be made by public official letters; and I believe that every single appointment made—at least during the time I was connected with the department—can be traced to official letters. I may observe that I think such a practice might be found of immense value in other departments of the public service. Whenever persons sought by private recommendations or letters to obtain appointments to offices, the uniform answer of my colleague, Mr. Power, and of myself, was, "State anything you think proper to say as to the gentleman you mention in a public letter addressed to this office." I earnestly hope that these transactions or allegations—for I venture to doubt whether there were any transactions—will receive a most searching investigation, and that the calumnies which have been spread abroad by those who, I must say, cannot be called Irish patriots, may be the subject of the strictest inquiry.

MR. LUCAS: Sir, an appeal has been made to me by the hon. and learned Gentleman who moved the appointment of the Committee, and, therefore, I think it would not be becoming in me to allow the question to be decided without offering a few observations. I am in no way personally cognisant of the two cases stated at Tuam by Dr. Gray and Mr. Kelly. I was present when they were stated. One of them I had never heard stated before; the other I had heard stated by Dr. Gray at public meetings on many previous occasions. That is part of my answer to the hon. Gentleman opposite (Mr. John O'Connell) who complains that, until the dinner at Tuam, Dr. Gray had never stated this case of corruption. I had heard this case frequently stated before, and I am bound to say I believe the statement to be true. I feel myself bound to come forward on this occasion, though I am in no way mixed up with these particular accusations, because I sat by when these particular statements were made, and I had approved and do approve the line of argument and observations which these statements were meant to illustrate. I have frequently brought similar accusations in a general way myself. I believe them to be true. I have no doubt whatever they are true; and I will say this—that it is utterly impossible for any gentle-

man to take a part in the political conversation that goes on with reference to the management of public affairs in Ireland, without hearing, very frequently, cases of this kind mentioned upon evidence which it is impossible for any man to disbelieve. The difficulty in dealing with cases of the kind is simply this—you hear a case mentioned; it is mentioned to you in private as a matter of conversation by persons well acquainted with the facts, by persons whose evidence you cannot disbelieve, but you are not at liberty to mention their names; you cannot break the seal of confidence under which the facts have been revealed to you. I have heard many Members of this House relate facts of a similar kind, and I believe it is utterly impossible for any gentleman acquainted with the details of political affairs to disbelieve that such transactions as this have taken place. The hon. and learned Gentleman (Mr. I. Butt) has commented upon the article in the *Times*—(and, indeed, some words in the article lead to that mode of treating it)—as if the accusation of corruption brought against the Irish Members was based upon the statements of Dr. Gray and Mr. Kelly—as if no such accusations had been made before—as if the *Times* was resting upon that evidence, and made the accusation upon the information which these two after-dinner speeches conveyed. Now, nothing can be further from the truth; nothing can be further from the fact. I have with me a statement made in the *Times* last September—months before the Tuam banquet—months before the statements of Dr. Gray and Mr. Kelly—very much stronger than the statement made in the article of the *Times* which has been alluded to by the hon. and learned Gentleman. With the permission of the House I will read the statement to which I refer. When hon. Members talk about an article in the *Times*, we are not, of course, to pry into the mysteries of newspapers; that is a very delicate subject; but we know it is not nobody that writes the article in the *Times*, and we sometimes hear very exalted names mentioned in connexion with London newspapers. I don't know—perhaps nobody in this House knows—whether the article in question may not have been written by a Secretary of State. Perhaps, at all events, it may have been written by the Secretary to a Board. At any rate, what is a matter of public notoriety is this, that the proprietor of the *Times*—one of the proprietors of the *Times*—is a Member

Ballina some time since. It was published afterwards in a pamphlet, corrected by the speaker, and he said in that speech that, from his experience, he believed the price of place was as well known as the price of Stocks. I have had facts stated to me which I have a difficulty in stating, or might have a difficulty in stating, because I am not at liberty to mention the names of my informants, but which leave no doubt on my mind as to their truth; and I believe I shall not be doing what is wrong if I mention these facts to the House—not under any pressure, for I am perfectly free at this moment to mention them or not. If I mention them, I do so warning the House beforehand that I have them from authority which I am not at liberty to name. [*A laugh.*] Hon. Gentlemen opposite laugh, and are, perhaps, very glad that the authority cannot be named; but the facts themselves are true, and I am merely cautious before mentioning them to guard myself from being called on to name my authority, because I cannot in honour name it. [*Cries of "Oh, oh!"*] Well, now, hon. Gentlemen opposite seem to think that that throws a doubt upon the accuracy of the statement. Then [*addressing the Irish Members on the Ministerial benches*], you don't wish to hear the statements made? [*Cries of "No, no!"*] I am delighted with these frank admissions on your side. I believe you do not want to have the statements made; I believe that you don't want to have the facts known; I believe that you agree with the writer in the *Times* that a system of corruption is necessary for the management of the affairs of this country, and you wish to have as decent a veil thrown over the inevitable infamy as possible. [*"No, no!"*] Oh, then, you do wish to have the facts stated? Well, then, if it please you, I will state the facts. Here is one stated to me by a friend of mine. He may, for anything I know, when I have stated the fact, be willing publicly to come forward and vouch for his share in the transaction, which was in no respect a dishonourable or discreditable one. The case was this:—A poor man came to him with 9*l.* in his hand, thinking that my friend had some influence with a certain county Member on the other side of the House, and he said, "I believe you have influence with such and such a person—naming him—and I wish you would use that influence to get me the situation"—I think it was that of porter in the Cus-

Mr. Lucas

toms; at all events, it was such a situation as a poor man might fairly ask for. My friend refused to have anything to do with the transaction. The sum offered, however, was 9*l.*, and he was curious to know why that particular amount was offered. If it had been 10*l.*, perhaps my friend's curiosity might not have been excited, but an odd sum like 9*l.* did stimulate it, and my friend asked the reason why that amount was offered. The answer was—"Oh, that is the exact sum which was given by the person whose death has created the vacancy to such and such a Member of Parliament—naming him—when the place was vacant before." [*Cries of "Name!"*] I have heard mentioned dozens of these cases, but I heard one fact mentioned which is worth a great many isolated cases, because it refers to a system of Government. It refers to something which fell from the lips of the late Mr. Sheil, in the interval between the Durham letter—which I dare say the noble Lord the Member for London recollects—and the meeting of that Parliament in which the Ecclesiastical Titles Bill was to be brought forward. During that interval some of Mr. Sheil's friends were very anxious, I am told, to know his opinion as to how the Government of the country was to be managed in future if the Whigs quarrelled with the Irish Members; and Mr. Sheil answered, as it was reported to me—and the authority on which I have it is so good that I have no hesitation in saying I believe it—Mr. Sheil's answer was, "Lord John Russell has calculated everything minutely, and—mentioning some one connected with the Treasury—I am not sure about the name, and therefore I will not mention it—holds the Irish Members in the hollow of his hand." The gentleman to whom Mr. Sheil gave that information was rather curious to know what this figurative language of one gentleman holding so many other gentlemen in the hollow of his hand could possibly mean, and the explanation given to him, I am told, was this:—That before any great debate was to come on—when a division was apprehended, as the writer in the *Times*, or, as Mr. Kelly says, in which the Government would be hard pressed—on the eve of such a division, Gentlemen received a circular stating that such and such a place was vacant, and that it awaited their recommendation to have it filled up; that the recommendation was not filled up till after the division—that is, as I understand it, until after the Member had given the

his children, as part of his prospects in life. He is positively ill-used if he does not get something. It is this enormous mass of expectation that constitutes the pressure on the Irish Brigade, and is really irresistible. What can an M.P. do but represent his constituents, and state their grievances in the proper quarter? But, if their first and only real grievance is that they have not got places, it follows that the proper field for an Irish patriot's exertions is, not the House of Commons but the Treasury. This, of course, involves relations more or less amicable with the authorities of that place. Hence the good understanding that is sure to spring up eventually between any Government whatever and the whole tribe of Irish firebrands. They learn to roar at last like sucking-doves—to reserve their opposition for points of little importance, or for questions where it will be utterly in vain."

I think that is a very fair description of the line of policy which we have seen pursued by some Irish patriots on the other side of the House.

"In a word, they are brought at last as much under the Ministerial *manège* as steam in the hands of the engineer; so that their heatings and their coolings, their explosions and their collapses, are turned to equal account in moving the great machine of the State. This is the real function of the Irish Brigade, and the not unimportant assistance rendered by Ireland to the conduct of this great empire. We will not depreciate it. The Irish Member is a very serviceable animal."

Gentlemen opposite will be pleased, I have no doubt, by what follows, and by the terms of respect in which they are spoken of by their friend in the article which I am reading:—

"The Irish Member is a very serviceable animal—all the more serviceable for not being very nice in his habits. It is not too much to say that hardly a single measure would have passed for the last twenty years but for this facile and well-paid Swiss corps."

The Irish Members, continues the writer, "must all be paid, and they will all vote for their pay." He then goes on to refer to a letter of a correspondent, whom he describes as—

"Hopeful, not of the Irish and their innate good sense or honesty, but of the British Government, which he seems to think has the remedy in its own hands. As the Irish Brigade have generally got elected upon speculation, with no capital whatever but their seats and the virtues we have attempted to describe, they have to fight rather an uphill game with the world. It is the nature of the business to require quick returns, otherwise the constituents, P.P.'s, and representatives all become discontented. Our correspondent, therefore, proposes that the Minister shall starve them out by shutting the doors of the Treasury against them. It seems to be thought possible, indeed, that they might be literally starved, and that the Irish Brigade might be induced to surrender at discretion, as a garrison is after it has eaten its horses and its boots. For

our part we don't quite see how the plan is to work. Unfortunately, there is always a demand for tools, and so long as there is a demand there will be a supply. A Minister hard-set"—(that is, a Whig Minister)—"and threatened with a factious defeat, will seldom reject the proffer of votes, or non-voting, if it will keep him on the right side of the hedge. In fact, he cannot refuse; and when the vote is tendered, used, enjoyed, and appreciated, it is about as difficult to refuse the pay as it is to eat a good dinner and throw the bill in the waiter's face."

The next sentence, I think, will meet with general approbation:—

"The sentiment of the transaction is not high, but we question whether Aristides the Just would have refused to avail himself of a mercenary vote, or to give the voter a small place for his friend, if he thought the safety of his country (or his place) depended on it."

I have interpolated the word "place" because that is the obvious meaning of the writer. Well, now, the House will please to recollect that Dr. Gray and Mr. Kelly had not spoken, and these particular charges had not been heard, when, in the course of last September, this article appeared. What I have a right to say from that article is, that when immense indignation is expressed about these two cases of corruption, when such an earnest desire is expressed to have these two extraordinary cases of corruption inquired into, I hope the desire for that inquiry does not spring from a desire to ignore the fact—the general, great, broad, and leading fact—that this system of corruption, in which there have been the Whig Ministers on the one side, and a body of Irish Members on the other, has been the system by which the Whigs have maintained themselves for a series of years in power. That is the notorious fact; as the writer in the *Times* says—very well acquainted he is, no doubt, with the traditions of Whig Government—"it is perfectly notorious, though, of course, it may be denied." I am prepared for any amount of denial; but no amount of denial will destroy any sane man's belief in the fact I have stated. What have we had before us? I offer, of course, no objection to the appointment of this Committee; I wish these two charges to be inquired into; I wish every charge of corruption that is named to be inquired into; but I object to this inquiry into two specific charges being held by any one as decisive of the general fact. Why, what was one of the first things that drew my attention to this subject? I recollect a speech being made by my hon. Friend the Member for Mayo (Mr. G. H. Moore) at

fact acts which I shall to the last day of my life be proud of and happy to avow. I should not have complained if the hon. Member, along with the charge which he read from the paper, had thought it right in fairness or in common honesty to have read along with that a letter from my solicitor, which was addressed to the *Times*, repudiating in the most distinct terms the charges which they have made, and quoting the affidavit made by myself in the suit which has been the unfortunate subject of discussion. Sir, I never, on my honour, made, nor intended to make, either privately or publicly, any charge or imputations against any Member of this House. It is utterly impossible, during my long intercourse with this House and with society, for any gentleman, be he whom he may or where he may, to charge me with having said, directly or indirectly, that I ever tampered with any Member of this House, directly or indirectly. Therefore, I say the charge is as false and malicious as it is unjust and untrue. But the hon. Member is not content with reiterating that charge—he also talks of “disgorging.” He says that I am called upon to disgorge a large sum of money. I admit that by the decision of the tribunal to which he has referred, I am so called upon. But neither that tribunal nor any other tribunals will venture to say that what I am called upon to disgorge, I ever, to a large extent, received. It is quite true that by a legal construction I am placed in that unfortunate position. Against that position, however, I am advised that I have a good right of appeal. But I say again, that it is admitted, even by my opponents, that a large sum of the money which I am obliged to refund to that company never reached, nor could by any possibility have reached my hands. Therefore, I say my position has been one of misfortune: I have been morally right, but legally wrong. But I have no objection, nay, I invite my accusers, if they think right, to take me from my cradle and follow me to this day, and if they can fix upon me any charge of dishonourable conduct, or of anything which would disentitle me to the confidence of my friends, I will instantly bid adieu to this House and to my public position. But until I am convinced that I have done anything not only legally but morally wrong, I shall abide, amidst the vituperations of the press, or of any other individual who may choose to attack my character or position. If I had perhaps consulted my own feelings or position, I might have pursued

Mr. Hudson

that press by prosecutions in the Courts; but through a long life I have abstained from so doing. I have known what it is to live in popularity, and to enjoy the smiles and confidence of the world. And I have had a bitter reverse to bear. I hope I bear it with the fortitude with which a man who is conscious of his innocence should bear it. I may perhaps leave to posterity, and may in after life refer with pride and satisfaction to works which I have either projected or promoted—works of utility, which will bear my name, perhaps, when the hon. Member for Finsbury (Mr. Duncombe) and myself are gathered to our forefathers—works which will bear comparison with that hon. Member's conduct, either in public or in private life. I hope the hon. Member will himself pursue the course which he wishes the Government to pursue. I am ready to unravel and unfold everything. I have stood the brunt before a jury of my countrymen, and when attacked by all that the intelligence and the ability of counsel could bring to bear against me, I have left Court, after two or three hours' examination, with the smiles and congratulations of my friends, and the discomfiture of my enemies. I have been subjected to vituperations. There is scarcely a work which I projected, in the plenitude of my power, which has not been condemned at the moment, and with regard to which all sorts of charges have not been brought against me of being actuated by motives of anything but those of a public character. But I have already lived to see nearly every one of those works carried out, and if they have not been, it is the fault of those who censured me and visited me with pecuniary loss. I visited, on Monday, one of those works, as to which, although it was forced upon me by the committee, I have seen my policy recognised as the right policy. They had better have given me a quarter of a million than have forced on me property which is now admitted to be worth 100,000*l.*, although at the time I was told that it was not worth the paper on which the title to it was written. I have seen this and I leave it to that posterity which will do me justice. I have seen times, and have had opportunities given me, when, if money had been my only object, I might have enriched myself to any amount. I have sat at boards when shares have been distributed and have been offered to me, and, on public grounds, I have declined them, and they have been taken by my colleagues. If money had been my



sole object—I do not mean to say that the attainment of wealth is not a fair and right ambition—but if that had been my sole object, I say that means were placed in my power of such a gigantic nature that I might have revelled in it to any amount. But my colleagues will do me the justice to say that I rejected it on many occasions; and it is a matter of satisfaction to me that I am enabled on this occasion to meet the hon. Gentleman who has raised the charge, and has also adopted it—for he talks of “disgorging.” Disgorging! There cannot be a disgorging of that which you never received. I might make some observations, but I refrain, because I seek to vindicate myself, not to cast imputations on another. I did think that the hon. Member would have felt it his duty, after making this charge, to have attended in his place, either to withdraw or to reiterate it; that, having left the sting, he would have been present to-day, from a consciousness that I should take the first opportunity to vindicate myself. If the hon. Gentleman will move for a Committee to follow me from the cradle to the present day, I am ready to meet that inquiry, and to abide by any decision that the Committee may pronounce.

The House adjourned at One o'clock.

## HOUSE OF LORDS,

Thursday, February 9, 1854.

**MINUTES.]** *Sat First in Parliament.*—The Earl of Shrewsbury, after the Death of his Cousin, having taken the Oath prescribed by the Act of 10 Geo. IV. to be taken by Peers professing the Roman Catholic religion; the Earl of Portsmouth, after the death of his Uncle.

### REVISION OF THE STATUTE LAW— QUESTION.

**LORD LYNTHURST** rose to ask what course the noble and learned Lord on the woolsack intended to take with respect to the proceedings connected with the revision of the Statutes? The subject had for the last 300 years engaged the attention of Parliament and the country, but no satisfactory result had been obtained, and the labours that had been bestowed on it had as yet produced no satisfactory conclusion. The history of the question was curious, and not more curious than discreditable to the Legislature. The question dated so far back as the reign of Edward VI. It was then publicly stated, by Royal authority, that the Statute-books were encumbered with numerous useless

Acts of great and tedious length; that it was necessary to expunge these Acts, to shorten the Statutes, and to bring them together in one consistent code, so as that they might be intelligible to the great mass of his subjects. How it happened that these declarations led to no result, he was unable to inform their Lordships, but perhaps it was owing to that monarch's brief and troubled reign. In the following reign, on six different occasions this subject was brought before the Legislature. There was no difference of opinion about the necessity of reform. In the subsequent reign of Elizabeth, the opinion of her Government was expressed in the strongest manner in consequence of the representations of Lord Keeper Bacon, who drew up a memorial on the subject. No result, however, followed from this step. Nothing more was done until the reign of James I. That monarch, in a characteristic speech referred to the “overflow” of statutes conflicting with each other, or—to use his own words—“crossing and cuffing each other.” The consequence of the King's interference was, that Lord Bacon and other eminent men were constituted a commission to inquire into and devise a remedy for the abuse complained of. Nothing resulted from the inquiry—a circumstance which might, perhaps, be accounted for by the subsequent disgrace of that great man Lord Bacon; Lord Bacon, however, drew up a paper in which he described with great perspicuity the course which he thought ought to be pursued for the purpose of effecting a great reform. So much as to what had taken place up to that period. During the time of the Republic—or, as some persons chose to call it, the Commonwealth—a strong desire was manifested to make every practical reform of the law, and, among other things, the consolidation of the Statutes was not forgotten. Two Committees on the subject were appointed, among the Members of which were Sir Bulstrode Whitelocke, Sir Matthew Hale, and Ashley Cooper, afterwards Lord Shaftesbury. Still nothing resulted. If the cause had been unfortunate under the monarchy, it was equally unfortunate under the republic. After the Restoration the subject was again inquired into by Lord Nottingham and others, but nothing was done in consequence. From this time the question slumbered until 1806, when it was again referred to a Commission, of which Mr. Hargreave was a member. This gen-

tleman, who was a man of great learning and a great lawyer, wrote a memorial on the subject. This memorial became the foundation of a string of resolutions which were passed by their Lordships' House, and sent down to the Commons, where the matter dropped. In 1831 another Commission was appointed, which contained among its members a man of great experience, prudence, and judgment, who was also at the head of the new Commission appointed by the present Lord Chancellor, Mr. Bellender Ker. The object of the Commission of 1831 was to consolidate the criminal law, to report upon the revision of the statute law: their report, drawn up by the gentleman referred to, comprehended everything connected with the subject. But, notwithstanding the labours of that Commission, no steps were taken to carry into effect the reforms suggested. Now, they had a new Commission appointed and governed by his noble and learned Friend on the woolsack. His noble Friend had not slumbered at his post, and he hoped the present would not furnish another instance of failure. To prevent this, his noble and learned Friend would excuse him if he reminded him he must exercise untiring vigilance over the Commission, and from time to time see what progress was made. Their Lordships would pardon him for referring to what had taken place in the United States. In some instances the acts of our Transatlantic brethren would seem to justify the belief that men, like plants, acquired fresh vigour from being transplanted. In the State of New York all our Statutes up to the time of the Declaration of Independence were in force. From that period there had been an immense accumulation of statutes arising out of their new position. The inhabitants of that State were in the same unfortunate position as ourselves in this respect; but they resolved to get rid of the evil, and in 1835 competent persons were appointed to revise and consolidate the statutes. In two years from that time the object was accomplished, and in a manner that was quite satisfactory, not only to the legal profession, but to the general public of the State. Twenty years had elapsed since then, and the new code had lost none of its popularity. In the State of Massachusetts the statutes had been consolidated as successfully and satisfactorily as in New York. Let us not be ashamed to copy from our brethren on the other side of the Atlantic. It should

*Lord Lyndhurst*

be a great encouragement to us to find that, after all, the task we have in view is so easy. The tardiness of Governments in accomplishing any object was remarkable when compared with that which individuals could effect. He would undertake to say that, if any distinguished bookseller in London should determine on publishing a revised edition of the Statutes, such a work would be well executed by able men who had paid attention to the subject, in two or, at the furthest, in three years. When private enterprise could do so much, why should public exertion do so little? By the aid of private enterprise the Secretary for Foreign Affairs could carry on a conversation with the Earl of Westmoreland at Vienna with the same facility, and almost the same privacy, as if they sat side by side. This was the result of private enterprise, behind which public exertion lagged with sluggish pace. If their Lordships were to direct their attention to the Statute-book, they would be astonished at the mass of absurdity which it contained. When he held the Great Seal, he introduced an Act for the purpose of removing some of the absurdities to be found in the statutes directed against the Roman Catholics. The absurdities were so apparent that the Act was carried with the unanimous consent of both Houses. The absurdities thus removed were only a sample of those which remained behind. Their Lordships would hardly believe that there was in the Statute-book an Act which prohibited an Irish bishop from bringing an Irish servant into this country under a severe penalty. It would interest a noble Duke (the Duke of Buccleuch) who was not then in his place to know that by another Act of Parliament no person was allowed to have more than 3,000 sheep under very heavy penalties. These were samples of the rubbish and nonsense which disgraced our Statute-book. There were, on the whole, 16,000 public general statutes, but of these nearly 14,000 were obsolete, and might be swept away without the slightest inconvenience. Of the remaining 2,500, which were now proposed to be consolidated, a great number were encumbered with useless provisions and unnecessary language. With this mass of Statutes there were three modes of proceeding pointed out by the Report laid before Parliament; and the object of his (Lord Lyndhurst's) question was to know which of these modes the noble and learned Lord proposed to adopt? The first of

these modes was to expunge from the Statute-book all that mass of statutes which might be called rubbish, and to class the remainder under distinct heads. The second mode was to strike out of the Statute-book those statutes which were useless, and to consolidate the remainder under distinct heads, amending them where they required amendment, and where they happened to be connected with the common law, in such a way as that it was impossible to separate them, to incorporate the common law with the text of the statute. The third mode, which was more comprehensive than either, was to form into one and to pass as a single statute all the statute and common law relating to one particular subject. From these three modes his noble and learned Friend on the woolsack would have to select that which he intended to propose to the House. With respect to the first, however, he (Lord Lyndhurst) did not think it would be practical, because it would be wholly unsatisfactory, and, therefore, his noble and learned Friend would not, he presumed, adopt it. With respect to the third mode, it presented, in his opinion, the same difficulty; because, in the first place, it would consume an enormous extent of time to carry it out, and because, moreover, it would require a degree of accuracy in regard to knowledge of the subject, and an amount of precision in detail, which he believed few men to possess; moreover, he did not think it would be satisfactory to the great bulk of the legal profession. The second or middle mode was, therefore, that which he supposed his noble and learned Friend would adopt, namely, to sweep away all the useless and obsolete statutes, to consolidate and amend those that remained, and to reduce the common law to a part of the system where it was necessary. Sir Robert Peel had done so in two remarkable statutes, one relating to the law of larceny, the other to the law of offences against the person. He had consolidated and amended the statute law in these cases, and he had incorporated the common law into the text. These statutes had met with the approbation of the profession and the public. So, in like manner, had the law respecting registration of shipping, which had been also consolidated and amended, and which was admitted to be of great service to the country. The same course had been taken in regard to the Post-office law; and several other laws likewise had been consolida-

ted and amended in that manner with great advantage to the public. More than twenty years had elapsed since the first attempts at consolidation had taken place, and every day only afforded greater proofs of their benefit. On the ground of reason and justice, therefore, he called on his noble and learned Friend to adopt the course implied in the second mode of dealing with the subject. By means of the process of consolidation greater perfection would be arrived at every day during its progress. It would have also the advantage that when an amendment was proposed in any particular law, instead of hunting through the entire of the Statute-book, the whole subject in all its bearings would be before the Legislature, who would, therefore, be in a favourable position to judge of its propriety. The noble and learned Lord apologised for entering so much on detail, and concluded by expressing a hope that the measure to be brought in on the subject would be of a practical and a practicable as well as of a beneficial nature.

THE LORD CHANCELLOR said, he was sure that their Lordships and the country in general would feel very deeply indebted to his noble and learned Friend for having brought this subject under the notice of the House; and if any individual more than another could feel pleased at such a question being put, he could assure his noble and learned Friend that he (the Lord Chancellor) was himself that individual. When first he was entrusted with the Great Seal it was suggested to him that there was no subject of law reform which was more likely to be practically useful than that to which his noble and learned Friend had so ably called their Lordships' attention. In this suggestion he entirely concurred. After the statement of his noble and learned Friend, it would be quite idle and improper for him again to enumerate the various attempts which had been made from the earliest times on this subject. When he came to consider this subject, he felt it his duty to regard it in very much the same light as that in which his noble and learned Friend appeared to view it, the great object being to arrive at some practical beneficial result. There had been references made from the days of Lord Bacon down to the present age to learned persons to inquire how this great object might be accomplished; and it had struck him (the Lord Chancellor) that the only practical course that could be re-

sorted to with any chance of success was to engage, for a limited time, three or four gentlemen to devote their attention to the subject, and to produce something as a specimen of that which ought to be done more perfectly, without speculating to any great extent on the subject. His noble and learned Friend had alluded to the Commission issued in 1831 to certain gentlemen of high legal attainments, on the subject of the consolidation of the whole of the criminal law, and who were afterwards directed to report on the expediency of consolidating the whole of the statute law. The Commissioners proceeded accordingly to consolidate the whole of the criminal law. In 1835 they made a report on the subject of the general consolidation of the statute law. Mr. Bellenden Ker, who was at the head of the Commission, pointed out three modes of proceeding to which his noble and learned Friend had adverted. The Commissioners had consolidated the whole of the criminal law, but nothing was done to consolidate the statute law in general. This was the state of things when he (the Lord Chancellor) was entrusted with the Great Seal. It struck him that the best course to adopt was to apply, as he did in March last, to Mr. Bellenden Ker, who was familiar to a certain extent with this subject, having been already engaged in it, and to get him, in conjunction with three or four other gentlemen, to proceed for one year to the actual consolidation of certain portions of the statute law, in the manner which should seem to them most likely to be of practical utility. He had engaged these gentlemen for the year expressly for this object; and what he wished them to do was, not to enter into any inquiry as to the expediency of this measure, but at once to proceed, as far as practicable, with the revision of the statute law, as to make an enumeration of what statutes were actually in force and remaining to be consolidated, what statutes had been repealed or abolished, or had become obsolete, and then to proceed to consolidate such of these laws as it would be most easy and convenient to begin with. Two of these gentlemen accordingly went through the whole of the statutes, statute by statute, to see which of them were actually the law, the result of their inquiry being that they found the number of general public Acts from the time of Magna Charta to be between 16,000 and 17,000, and that the proportion of them which remained as really living statutes was

*The Lord Chancellor*

only about 2,500. With these 2,500 statutes, therefore, they had then to occupy themselves. One of the other gentlemen proceeded, more immediately in connexion with Mr. Ker, to consolidate the law on a particular subject upon the three different plans suggested by the former Commission. One plan was merely to consolidate existing statutes, keeping as nearly as possible to the form and language in which they now stand; another course was to amend in some minor particulars, and partially to introduce the common law where it was necessary; and another consolidated the whole of the law, common as well as statute, relating to his subject. The learned gentlemen employed devoted great attention to the subject. They commenced their labours in the first week in April, and at the end of July they made a report, which had been laid on their Lordships' table, in which Mr. Bellenden Ker stated that he had called on each of his colleagues to state to him his views as to what had occurred to him, or as likely to be advantageously adopted. Two of these gentlemen, as he had already stated, went through the whole, or nearly the whole, of the existing statutes, arriving at the result that there were only 2,500 out of more than 16,000 general and public statutes now actually in force. One of them (Mr. Brickdale) made a digest of the law relating to distress for rent. There was no particular reason for his taking that last-named subject, excepting that it might be completed before the close of the last Session, and a report was accordingly made on that branch of the subject. He (the Lord Chancellor) had read all these reports, and it had appeared to him that the direction he ought to give to these gentlemen on reassembling after the long vacation was, that they should immediately proceed under the superintendence of Mr. Ker, who took an active part in the work, to the actual consolidation of certain statutes. That they had done, and Mr. Ker had laid on the table a very able second report, in which he exhausted the subject—stated what could be done—what was practicable, and giving the reasons for what he recommended. Of this recommendation he (the Lord Chancellor) approved, and intended to prosecute it, subject to certain observations which he was about to make. In his report Mr. Ker, after stating his objections to other measures, proceeded to assign his reasons for the course which he did recommend. He would not say that what Mr. Ker recom-



mended was what he (the Lord Chancellor) had suggested, because he wished to give Mr. Ker all the credit to which he was fairly entitled; but Mr. Ker stated that the course which he thought the most feasible and the most practically conducive to the desired result of an improved state of statute law, was the gradual consolidation, or the rewriting of the statute law, combining with that rewriting all such amendments of the law as could be suggested—in short, the continuation of that process which had been already for a long period applied to isolated subjects and in a desultory way, though always with marked advantage. He (the Lord Chancellor) presumed that Mr. Ker here referred to those very statutes to which his noble and learned Friend (Lord Lyndhurst) had alluded as instances of what had already been achieved in this direction. He (the Lord Chancellor) would just say that, preparatory to doing this, one of the other gentlemen he had engaged (Mr. Rogers), had, under Mr. Ker's superintendence, made what they called groups of the statutes—that was to say, had grouped such statutes together as might be conveniently taken together, and put into one or more. Having done that, the Commissioners arranged amongst themselves certain subjects, upon each of which they proposed before the year was out (and he had no doubt they would accomplish it) to have the statutes on one or two subjects ready to be put into his hand, in the shape of a consolidated statute, formed in the way to which his noble and learned Friend had alluded. His noble and learned Friend asked him what course he intended to pursue. He would tell him. He had stated from the first that this was a matter, to a certain extent, experimental—not that he doubted the possibility, and to a certain extent the feasibility, of doing that which he proposed to do—for he did not doubt it; but as soon as the year for which the services of those gentlemen to whom he referred had come to an end, he proposed to take the actual statutes as consolidated, and submit them to their Lordships to be passed into law. His noble and learned Friend had alluded to what had been done in the United States of America in this respect; there the statute law had been consolidated by a commission, which the Legislature had afterwards adopted and enacted as a law. Now he (the Lord Chancellor) must say that he was quite convinced that the Legislature of this country would refuse to entrust—and he doubt-

ed if it ought to entrust—any man or body of men outside the walls of Parliament with the task of declaring what should and what should not become law. All they could do would be to employ properly qualified persons to put groups of statutes into an amended and consolidated form, and then for the Lord Chancellor, or some other authority, to propose that in that form Parliament should pass it into law. That that was the only course they could pursue, he would make manifest to his noble and learned Friend, by what both of them had been witness to in the last Session of Parliament. In the Commission of 1831, certain gentlemen were engaged in the double duty of consolidating the criminal law, and of framing a plan of digesting the statute law. That was done, and done by gentlemen of the highest eminence, who devoted great care, and time, and attention to the work. Various attempts were made to introduce new matter by way of amendments, and to get the whole, so condensed and amended, adopted by the Legislature as a law, as was done in the United States, but to that that House would never listen; and it was a wholly impracticable measure, because their Lordships would have to treat, and were bound to treat, every proposed consolidated statute in precisely the same manner as if it were a new law introduced into Parliament for the first time. His noble and learned predecessor (Lord St. Leonards) last Session brought in a Bill taken from a measure that had been framed by the Criminal Law Commissioners, with some slight alterations and improvements, and which related only to one head of the criminal law, namely, to murders and other offences against the person. What was the history of that Bill? It was, as must naturally be the case with every such Bill, referred to a Select Committee. His noble and learned Friend (Lord Lyndhurst) was a member of that Committee, and diligently attended it; the noble and learned Lord Chief Justice and other law Lords also were on the Committee, and devoted great attention to the subject, and yet, at the end of the Session, it was still an imperfect Bill. Why did he refer to all this? Because he thought that if they were to attempt too much, and sought to consolidate, not the statutes only, but the common law with them, so as to say that, “from and after the passing of a particular Bill relating to a particular subject, no

law, statute or common, relating to it should have any force, or except such as was within the four corners of this parchment," they would be attempting something which, although it looked theoretically right, would be perfectly impracticable, and would only be postponing what might be accomplished in a more modified form, *ad Græcos Kalendas*, and nothing at all would be done. Looking therefore at the matter in this practical point of view, what he proposed to do was this:—When he received the Bills as they were framed by these four gentlemen whose services he had engaged for a twelvemonth, if he found them such as he could, consistently with his duty, he would submit them to Parliament as Bills for the consolidation of the statutes, with the view that they might become the law of the land. He fully anticipated that this would be the result; he should not take that which had been done this first year as a criterion of what might be done in subsequent years. No doubt the work of consolidation would go on with greater and still greater facility as the operation became more fully understood. If his anticipations were realised, and if Bills should be framed that consolidated a great number of statutes—to the vast advantage of the community—he should then consider it his duty to retain the services, and he felt there would be no difficulty in doing so, of a certain number of members both of the bench and the bar, who should constitute an unpaid Commission for superintending the consolidation of all the statutes grouped as they already were in the Report of which a copy was then on their Lordships' table. It appeared to him that that was the only practicable mode of proceeding. So far from regretting that his attention had been called to the subject by his noble and learned Friend, he thought it was the duty of every noble Lord to see that he (the Lord Chancellor) did not sleep upon the subject. He could assure his noble and learned Friend that he had no inclination to do so. Scarcely a week ever passed during which he had not an interview with Mr. Bellenden Ker, and if their Lordships would read the report drawn up by that gentleman, they would find that the whole subject had been thoroughly sifted, and been put by him in the only practicable mode in which the object desired could be arrived at—namely, the enacting of some one or two Acts of Parliament which should have the effect of embodying the law, which was now scattered about in some twenty or

*The Lord Chancellor*

more statutes. It was certainly a subject of great difficulty, and to understand the law upon any particular branch of it was also attended with much labour; but nobody could doubt that much of this labour and difficulty might be lessened by the statutes of the land being consolidated, and the law on any given subject being made more generally accessible. That work of consolidation was not only expedient, but was, in his opinion, eminently practicable.

LORD CAMPBELL said, that since his noble and learned Friend (Lord Lyndhurst) had combined with his noble and learned Friend on the woolsack in the promotion of this measure, he was now convinced that all that was practicable would be accomplished. He was much pleased to hear from his noble and learned Friend (the Lord Chancellor) that he did not contemplate the codification of the whole of the statute and common law of the realm. It was absolutely impossible to do so. In no country that had ever existed had there been a codification of the whole of the law. They were told to admire, and they all did exceedingly admire, the *Code Napoleon*; but did that contain the whole of the law of France? No; nor one-twentieth part of the law of that country. There were whole libraries of law to which French lawyers were obliged to refer, which were quite as voluminous as ours, and they had reports which had to be read; and there existed quite as much reason for calling for a codification of the law of France as there was for calling for a codification of the law of England. We had most excellent treatises upon all the great heads of the law—upon real property and upon personal property—and these treatises answered all the purposes of a code. There were, for instance, the works of Lord St. Leonards. He mentioned the name of that noble and learned Lord with the greatest possible respect and gratitude. Lord St. Leonards had published a book on real property which answered all the purposes of a code. He might also refer to that noble and learned Lord's work on *Landlord and Tenant*, and on *Powers*, both of which embraced all the law relating to those subjects, and were, in fact, a codification of the law under those heads. There were similar treatises of equal merit on other heads of the law of England. If at any time there should be discovered any inaccuracy in those treatises, it could be corrected by the judicial decisions of the

Courts; and if the Commission were in their opinion, the question could then be finally decided by an Act of Parliament. The question of consolidating the law was one of great importance, and he believed it might be applied to almost all subjects. The exceptions, he considered, were but few, in which the process could not be applied. There were, however, some limitations. They could not bring in their statutes into a confusion, and then destroy the whole. They could not take away the Charta and constitution which were the basis of last Session. They could not take a statute respecting the election and consecration of bishops, and change it into a law relating to the poor or to the highways. Still, a system of consolidation within a proper limit, might be most useful, and might work to the greatest advantage.

LORD LYNTHURST explained. He was understood to express his concurrence in the terms of approbation in which the noble and learned Lord on the woolsack had spoken of Mr. Bellenden Ker's report. He also said that he had not stated that the codification of the common law had been attempted in the United States. He had merely spoken of the codification of the statute law.

THE LORD CHANCELLOR said, that there might be occasions in which it would be useful to introduce a small portion of the common law into a consolidation of the statute law. The rule should be to consolidate the statute law only; but it would be mere pedantry to say that the Commissioners must not in any case touch in the least degree the common law, though, in doing so, they would of course be acting exceptionally and rarely. With regard to the Commissioners striking out all that might be termed the rubbish statutes, the first direction he had given to the Commissioners was, that they should do just as they had done—namely, reject all the expired and obsolete Acts of Parliament. But, as to their finding what statutes were actually in force, that was quite impossible, unless they went through every clause of every Act. But, so far as ascertaining what laws had expired and what had become obsolete, this they had done, and the result of their inquiry afforded an extremely useful guide as to what were and what were not the statutes to be consolidated.

LORD CAMPBELL observed, that the statutes at large extended to about fifty

thousand volumes, and that the number of Acts of Parliament was about 10,000. He believed that the consolidation of the law would be a great benefit to the country, and that it would be a great advantage to the public. He believed that the consolidation of the law would be a great benefit to the country, and that it would be a great advantage to the public. He believed that the consolidation of the law would be a great benefit to the country, and that it would be a great advantage to the public.

### LIST OF MEMBERS

THURSDAY, JANUARY 1, 1852

MEMBERS OF THE HOUSE OF COMMONS

### THE INVESTIGATION INTO THE STATE OF THE KINGDOM OF ENGLAND

MR. WILSON PATTEN said, that during the last Session of Parliament a Commission, consisting of three persons, was appointed to inquire into the existence of corrupt practices in the borough of Kingston-upon-Hull. During the recess the Commission had presented their Report, upon an examination of which he found that the enormous number of 2,000 pages was devoted to the investigation alone; that the weight of the Report, as furnished to the Houses of Parliament, was 11 tons 6 cwt.; that 82,000 questions had been put to the different witnesses; and that the cost of printing this one Report for the two Houses of Parliament alone was 1,750*l*. It appeared that the examination of witnesses occupied fifty-seven days, and that there were besides a great number of days occupied in compiling the Report from the evidence. Under these circumstances, he wished to ask his hon. Friend the Under Secretary of State for the Home Department whether any questions had been put to the Commissioners as to the circumstances which in their opinion rendered it necessary to put the country to this enormous expense?

MR. J. WILSON said, that he believed the hon. Gentleman's question would have been properly put to him, because the investigation of the accounts in connexion with these matters was devolved upon the Treasury by Act of Parliament. He could assure the House that every care had been taken to investigate the case thoroughly, and that every power committed to the Treasury had been employed

to mark their disapprobation of the excessive expenditure which had taken place. The Act of Parliament devolved upon the Treasury the duty of fixing the remuneration to be given to the Commissioners for the performance of their duties; and this, in accordance with the rule which had been followed in previous cases, had been fixed at five guineas a day during the time the Commissioners were employed in the discharge of the duties entrusted to them. Besides this, a sum of 50*l.* had in other cases been given to the Commissioners for the preparation of the Report. It was, however, entirely optional with the Treasury to allow this sum; and, thinking that the amount which the public had to pay was already excessive, they had refused to allow the 50*l.* to each Commissioner for the preparation of the Report. He should, however, mention that the Report was signed by only two out of the three Commissioners, and that these two exercised all their influence in endeavouring to bring the inquiry to an early conclusion. They were, however, frustrated in this attempt by the opposition of the other Commissioner, whose resignation, he believed, was caused by the determination on the part of the two gentlemen who signed the Report not to proceed further with the inquiry than they deemed necessary.

MR. HUME said, that he had been requested by certain parties, who thought that the third Commissioner was the only person who had done his duty, to move for the Report which he had drawn up. He wished, therefore, to ask the hon. Under Secretary of State for the Home Department whether the Government had any intention of producing this second Report, which he understood would occupy an additional folio volume.

MR. FITZROY said, that the Report of one Commissioner could not be presented to the House as the Report of the Commission appointed to inquire into the existence of corrupt practices at Kingston-upon-Hull, there being already before the House a Report signed by two Commissioners out of the three. The Report signed by the other, in his individual capacity, could not be laid upon the table.

#### SPAIN AND THE SLAVE-TRADE TREATIES—QUESTION.

MR. HUME said, he wished to ask the noble Lord the Member for the City of London whether there would be any objection to lay before the House copies of any

*Mr. J. Wilson*

correspondence which might have taken place between our Government and that of Spain, Portugal, the United States, and other countries, respecting the slave trade to and in Cuba, since the Report of the Committee of last Session on Slave-Trade Treaties was laid before the House?

LORD JOHN RUSSELL: With regard to what has been done since the Report of the Committee, I have only to state that, in consequence of the conduct of the late Governor General of Cuba, of which Her Majesty's Government had great reason to complain, very strong remonstrances were made to the Spanish Government with reference to the course which he pursued. Since these remonstrances the late Governor General had been displaced, a new one had been appointed, and so far as his first measure had gone, there was some appearance of amendments in the conduct of the Spanish authorities in Cuba. It would not, I think, be useful to give the correspondence which took place at the present time; nor, indeed, is it usual to give it until a more advanced period of the Session. It may, indeed, become advisable to anticipate that period, but at present Her Majesty's Government think that it is better to wait and see what is the conduct of the new Governor General, and whether he carries out the promises which have been given with respect to an improved course of conduct in this respect.

#### THE PROTESTANT BURIAL GROUND AT MADRID—QUESTION.

MR. MONCKTON MILNES said, he wished to ask the noble Lord (Lord J. Russell) whether he had any objection to lay before the House the correspondence which had taken place between the British Government and that of the Queen of Spain on the subject of a Protestant burial ground at Madrid?

LORD JOHN RUSSELL: The correspondence which has taken place is to this effect:—In reply to the representations of the British Government, the Spanish Ministry stated that a Protestant burial ground would be permitted, and also that it might be enclosed in any manner which the British Government should think proper. Plans were accordingly prepared by the Board of Works, and steps are now being taken to enclose a burial ground in the manner decided upon. According to the Spanish law, it is not permitted to have any of the ceremonies of Protestant worship carried on either in that burial ground



or in any other place. But I am given to understand that there will not be any interference with the conduct of Protestants within this enclosure; and, therefore, my hon. Friend will see that the funerals will be carried on with decency, and in the manner usual in an English burial ground. There will be no objection to produce the correspondence which has passed on the subject, if my hon. Friend likes to move for it on a future day.

#### THE IRISH CONSTABULARY—QUESTION.

LORD CLAUD HAMILTON said, he begged to ask the right hon. Chancellor of the Exchequer whether any new duties had been imposed on the Irish constabulary since the last Session of Parliament; and particularly whether they had been associated with the revenue police in the duty of enforcing the revenue laws, and of aiding in the detection of illicit distillation? Also, whether, in the event of no change having been already effected, it was at present the intention of the Government to make any such alteration in the duties of the constabulary as that to which he had alluded?

THE CHANCELLOR OF THE EXCHEQUER said, that the Government had not found it necessary to impose any new duties, properly so called, upon the Irish constabulary. It was true that an order, originally made in 1842, had been reissued, with some amendments; but what his noble Friend meant by new duties had not been imposed on the police. With regard to the intentions of the Government in relation to the employment of the police in enforcing the revenue laws, they were at present standing over for further consideration. The truth was, that no necessity had yet arisen for making any change in the duties of this force; while there were reasons which rendered it expedient to postpone such a step. He was glad to be able to state that the collection of the additional duty on spirits imposed last Session had proceeded in the most satisfactory manner, nor did he think that there had ever been a period when there was less illicit distillation in Ireland than at present.

#### CLAIMS AGAINST THE PORTUGUESE GOVERNMENT.

MR. T. CHAMBERS said, he begged to move for a Select Committee to investigate the claims of Messrs. Yuille, Shortridge, and Co., against the Portuguese Government for compensation for losses incurred by them through a breach of treaty on the part of that Government.

He would briefly state the circumstances under which he asked that inquiry should be made into the grievances of which he complained. Messrs. Yuille, Shortridge, and Co. were wine merchants carrying on business in Mark-lane, London, who for nearly 100 years had had an establishment in the island of Madeira, having set up that establishment and invested their capital, as all other British merchants did, on the faith of a treaty which had existed for many years with the Government of Portugal. In 1826 a member of this firm acting on its behalf gave a bond for upwards of 21,000*l.* to a Portuguese subject of the name of Oliveira, and shortly afterwards an action was instituted upon that bond, in which the firm of Yuille, Shortridge, and Co. were made the defendants. That action was commenced in the Conservatorial Court, to which the defendants were amenable, and which had jurisdiction in the case under the treaty of 1654, then in force between this country and Portugal. In November, 1830, judgment was given in this Court of the Conservador at Madeira in favour of the defendants. From that judgment an appeal was entered to the Court of Senators at Lisbon, the only Court of appeal which had jurisdiction over British subjects under the treaty to which he had alluded, which confirmed the decision of the Court at Madeira. But these were not decisions on the actual merits of the case, but on a point of form. Subsequently, in 1836, a fresh action was instituted in the same Court at Madeira, and a like judgment was given in favour of the defendants on the merits of the case. From that judgment the plaintiff appealed, not to the Court of Senators at Lisbon, which is a Court of second resort, but to a Court of first resort, a Court to which British subjects were not amenable, it being a civil and not a commercial Court. In that Court also the judgment was in favour of the defendants, whereupon the plaintiff took an appeal to the Court to which he should first have appealed—the Court of Senators, or *Relação Civil*, at Lisbon. After some time that Court decided again in favour of the defendants on the merits of the action, confirming the decision of the Conservatorial Court at Madeira, with costs. In February, 1838, after these actions had gone on for seven years and a half, Messrs. Yuille, Shortridge, and Co., having had the decision of all the Courts to which they were amenable in their favour, of course thought the whole transaction at an end, and that under the

treaty of 1654 it was impossible that they should be dragged into any other Court. Yet, on the 6th December, 1838, immediately after this final judgment against him, Oliveira appealed to the Supreme Court for the review of the sentences passed by the Commercial Courts—thus, in fact, taking the very step against which the treaty of 1654 was intended to protect British merchants. Ten years after the first action was brought, and when four consecutive judgments in favour of these British subjects had been given, this Court, which had declared in 1835 that it could have no cognisance of the matter, at length, in December, 1838, decided that the bond was null and void, giving judgment, nevertheless, against the defendants for 10,000*l.*, and interest thereon, for which in fact they had never been sued. The plaintiff hurried over to Madeira to take possession, under an execution on this judgment, of the property of these British merchants, but our Ambassador at Lisbon, Lord Howard de Walden, stated the real nature of the case to the Portuguese Government, and Her Majesty's ship *Trinculo* was at once despatched from the Tagus with orders to stop the enforcement of the execution, which had consequently not been carried out. The defendants then entered an appeal from the *Relação Civil* to the Supreme Court, not admitting its jurisdiction, but at the direct instigation of Her Majesty's Government and under protest; and after a negotiation carried on between the British Ambassador and the Portuguese Foreign Minister. Meanwhile, a demurrer was put in to stay the execution in Madeira, and being allowed by the Judge Conservador, the plaintiff appealed against it, and at length a judgment was pronounced at Lisbon, annulling all proceedings, and remitting both parties to their original rights, after twelve years harassing litigation. On the 26th July, 1844, the Supreme Court confirmed this judgment of the *Relação Civil*; meantime there was an appeal about the proceedings at Madeira, and in November, 1843, the *Relação Civil* overruled the decision of the Judge Conservador, and decided that he should allow execution to issue. On the 19th February, 1848, after several other appeals had been brought with different issues, the case came again before the *Relação Civil* at Lisbon, and a decree passed to enforce execution on the property in Madeira. In 1848 these proceedings were terminated by the death of the plaintiff, whose heirs disputed about the inheritance,

*Mr. T. Chambers*

and that was the only reason why this execution had not been put in force on the property of Messrs. Yuille, Shortridge, and Co. The complainants said, that at a moderate estimate, the loss they had been put to through these vexatious and illegal proceedings amounted to at least 100,000*l.*; in point of fact they were utterly ruined as to their Madeira house. He had in his hand copies of all the proceedings in this case, of the correspondence which had taken place with Lord Howard de Walden, and of all that was essential to a knowledge of the circumstances; and he had no hesitation in saying that these parties had been ruined by a clear breach of treaty between this country and Portugal; and, further, that it was not their fault that they had been so ruined, as they had acted on the advice of the Government of this country and with a view to relieve them from embarrassment. He had before him the distinct admission of Lord Howard de Walden that a breach of treaty had been committed, and a request from him that the petitioners, instead of treating the matter as a breach of treaty, would allow the appeal to be entered in the Supreme Court, and that care would be taken that that Court decided properly. There was not a doubt, indeed, that the Government had concluded that this was a grievous wrong carried on against these parties from 1838 down to the present time. The Government had sent a ship to stay execution against them, on the ground that it had been illegally granted, and they interfered in various other ways in behalf of the defendants; but the latter complained that, though they had interfered, their interests were not protected. He asked for a Select Committee to inquire, and say whether these things were true. What had the parties done to forfeit their rights to efficient protection? They acknowledged, in terms of extreme praise and gratitude, the attention which had been paid to their remonstrances, but they complained that the interference which had taken place was of no effect whatever. The noble Lord now at the Home Office, when at the head of Foreign Affairs, stated that he would hold the Portuguese Government liable for the loss sustained by these parties; but here they were, nevertheless, without any redress. Portugal was notorious for her breaches of treaty; but he hoped that in this instance at least justice would be done. He might state that subjects of Spain had been admitted to similar privileges with us in Portugal, and that, in the

midst of all this wrong being inflicted on these petitioners, a Spanish subject was taken into a Court to which he was not amenable, and this very same Court that refused to give the protection of the treaty to British subjects gave that protection—he knew not under what influence—to a subject of the Crown of Spain. He had no doubt, from the facts he had mentioned, and from the documents to which he had referred, and which the House also had the means of perusing, that it would be evident a great act of injustice and wrong had been committed, and that, under all the circumstances of the case, the House would be of opinion that a Select Committee ought to be appointed to examine into the matter, in order, if necessary, to afford such redress and relief as might, upon inquiry, appear to be equitable and just.

MR. HORSFALL, in seconding the Motion, said, that he did so, not merely out of consideration to the firm of Yuille, Shortridge, and Co., but as involving a question of general commercial interest. The facts of the case, as disclosed by the hon. and learned Member, appeared to him to make out a charge which embodied a great breach of treaties on the part of Portugal with Great Britain, and which would establish, if allowed to pass over unnoticed, precedents of a most ruinous nature to the great prejudice of this country. He would not follow the hon. and learned Member through all the facts which he had stated, but would merely say, that it appeared to him that no country in the world had received more benefits from England than Portugal had, and yet no country had been guilty of more ingratitude in every way toward us. Portugal had received from this country, in principal and interest, since the treaties of 1815, no less a sum than 2,850,000*l.*, in order to induce her to suppress the slave trade, and the means she had adopted to carry out such suppression were patent to the world. The commander of the *Castor* frigate, recently employed in the Mozambique channel, stated that the Portuguese authorities on that coast were themselves concerned in it. With respect to a country like Portugal, Government had not only the right of seeing but was bound to see that the promises which she deliberately made she also faithfully fulfilled. He was no advocate for Her Majesty's Government interfering unnecessarily to collect private debts incurred in the ordinary course of business transac-

tions; but in the case before the House there was evidently a flagrant breach of treaty, and in such a case he thought that forbearance might be carried too far. He hoped that the Government would countenance such measures being taken as would remedy at once the injustice complained of, and remove for ever any chance of similar proceedings on the part of Portugal or any other country. If Government acted energetically and as they ought in these matters, they would at one and the same time insure the extension of our commerce, and afford that protection to British subjects abroad, which in transactions of this nature were not only requisite and desirable, but absolutely indispensable.

Motion made, and Question put—

“That a Select Committee be appointed to investigate the claims of Yuille, Shortridge, and Co., against the Portuguese Government, for compensation for losses incurred by them through breach of Treaty.”

MR. ATHERTON said, he should support the Motion, which, under the circumstances, he considered to be a very proper one. If British merchants chose to embark their capital in speculative trading in foreign countries, which, as far as these speculations were concerned, were under no treaties with this country, why, such merchants must take the consequences attendant on their so doing; but, if on the contrary, British merchants embarked their capital in fair trading transactions in foreign countries, on the faith of treaties known to be existing between such countries and ourselves, they had a right to consider, as far as their dealings with these particular countries were concerned, the territory of their own country to be extended, and its authority and influence to be existing, so as to protect them from oppression, and preserve their property from such acts of violence as were complained of in the present instance.

MR. DIGBY SEYMOUR said, he was in favour of granting the Select Committee applied for, which he thought necessary in the present case, in order to enforce those feelings of honourable understanding which were so necessary to be observed, for the purpose of protecting British subjects abroad from any unjustifiable acts of interference or oppression. In the present case there was no doubt but that a most flagrant irregularity had been committed against a British subject, and that, as far as legal proceedings were concerned, they

were no less absurd than unjust. The House would no doubt recollect the case of Don Pacifico, and the inquiries which took place on that occasion; but, however important those inquiries might have been, he looked upon the present case as one of far more consequence, inasmuch as the injuries of which Don Pacifico complained related only to questions of international law, whereas the present case was one which involved the interpretation of some of the most important features of our commercial treaties.

LORD JOHN RUSSELL: Sir, I wish to call the attention of the House, not to the merits of this particular case so much, as to the course which it is thought advisable to pursue in cases of this nature. The hon. and learned Gentleman (Mr. T. Chambers) alleges that, in a case which arose in the year 1838, and upon which a diplomatic correspondence was carried on during a period of twelve years, from 1840 to 1852, much wrong was done to certain persons, who were British subjects, and that that wrong has not been redressed. Now, Sir, I beg to say, without at all defending the conduct of the Portuguese Government, and still less of the Portuguese tribunals, that I wish the House to consider how these cases are generally brought under review of the British Government. It frequently happens, among the most friendly nations, that individuals have cases of complaint, of what they think is injustice committed towards them, either by the Government or tribunals of a friendly nation. If there is a treaty in force between our Government and that friendly nation, their case is so much the stronger; and they proceed generally to apply to our Government to support their demands for redress. Very often the correspondence continues a very considerable time. Often many of these cases accumulate. Some of them—perhaps the greater part of them—are redressed by the foreign Government; and with respect to others of them, the cases not being so clear, it seems impossible for our Government to pursue the correspondence further, or to insist on the redress which they originally demanded. Sometimes those claims are agreed to be settled by some species of arbitration. During the last year, I myself, as Secretary of State for Foreign Affairs, signed a Convention between this country and the United States of America, by which the complaints of both our own subjects and the citizens of the United States shall be

*Mr. D. Seymour*

brought before a Commission formed of persons of both nations, who should go through the cases, and decide according to the merits of each particular case. In this manner these cases are generally brought to a conclusion, and the greater part of them are settled both according to the justice of the case and without any disturbance of the friendly relations between the two countries. Sometimes, however, the Government thinks it necessary, as in the case of the Government of Greece, just alluded to by the hon. Gentleman behind me (Mr. D. Seymour)—finding redress cannot be obtained (and there are many cases of such complaint)—to demand as the ultimate resource a recourse to arms for such redress as they think the subjects of Her Majesty are entitled to; but though those various courses may be pursued, I think, if the hon. and learned Gentleman's Motion in its present shape were to be assented to, it would be a precedent for a totally different, and, I think, a very inconvenient course. It appears to me that it is only in clear cases that this House ought to interfere in respect to the complaints of individuals against a foreign country. With respect to this particular case, although the papers are very voluminous—so voluminous, indeed, that I confess I have not been able to go through them more than to make myself acquainted with the general remonstrance of the parties—I am ready on the part of the Government to lay on the table of the House all the papers with regard to this case, containing the complaints that were made, and the despatches of Her Majesty's different Ministers at the Court of Lisbon. The House will then be enabled to decide whether they will go further in this case, or whether they think any special interference of this House in it is necessary. But I beg to submit that, on the case as it now stands—on the bearing of all those *ex parte* statements by individual Members, and without reading the correspondence—if this House should agree to a Committee, they would be setting a precedent which would be dangerous, and opening a course which they could hardly pursue without inconvenience. There are, with respect to the Portuguese, many cases of grievance complained of by British subjects. Suppose there are eight or ten such at present, and so many individual Members were to ask for a Committee in each case. There is one case especially, the case of Mr. Croft (as was understood), which it appears



to me is one of much greater hardship than anything that has been stated by the hon. and learned Gentleman; but if we are to have separate Committees in all such cases of commercial disputes, in the first place, the whole of these negotiations will be taken out of the hands of the Government, and in the next place, the House will be undertaking a task which they will find it perfectly impossible adequately to perform. The right hon. Gentleman opposite (Sir J. Pakington) moved very lately for a Committee to consider in what manner the public business could be more expeditiously and advantageously carried on; but I am sure it will be quite unnecessary for that Committee to meet if the House were to declare that, in any case brought forward by individual Members, without seeing the papers, they would at once appoint a Committee to decide whether in such cases foreign tribunals have acted in conformity with their laws, or with the treaties which we have with them. I am quite ready, however, to produce all the papers on the subject, and after that the House can then determine whether it is a question of such special grievance as to justify its being taken out of the ordinary course, and to require the appointment of a Committee to investigate it. But after the very voluminous correspondence in this case—lasting over a period of twelve years—I confess I think it not expedient to appoint such a Committee. I beg again to say I am not defending the course taken by the Portuguese Government in this or any other similar case. I think we have very great reason to complain of that Government. I think in many cases, when my noble Friend (Viscount Palmerston) has made strong remonstrances to them for redress, they either did not behave with justice towards a friendly nation or towards the individuals concerned in the course they took on those occasions. But Her Majesty's Government have always held that cases of injustice may become so manifest and so aggravated that it would be their duty to take some decided measure for the purpose of obtaining redress. They have, I believe, in several instances obtained full compensation for injured parties. I recollect that in several cases in which my noble Friend has remonstrated with the Portuguese Government, payments of considerable amount have since been made by that Government in liquidation of the claims of British subjects. But without at all defending the conduct of the

Portuguese Government, I must say that it must be very inconvenient for the House to go into a consideration of the whole of these complicated negotiations, upon the mere statement of the hon. and learned Gentleman, and without having any of the papers relating to the case before them.

MR. G. BUTT said, he thought the speech of the noble Lord was no answer whatever to the case made out by the hon. and learned Member for Hertford (Mr. Chambers) nor did it give any reason why the Motion should not be acceded to. It appeared that by a treaty of 1654, confirmed by other treaties from time to time down, he believed, to the year 1810, a compact was entered into between Portugal and this country, that the British merchants settling at Madeira, and bringing there their capital and their business, should be entitled, if any disputes arose, to have those disputes decided by certain Courts, and by certain Courts only, and that no further appeal should be made after these Courts had adjudicated upon them. This was the stipulation of a solemn treaty, and yet, in this case, the two Courts named having been resorted to in respect of the claims in question, both Courts having adjudicated upon them, decided in favour of the claimants. Instead of those gentlemen being relieved and set at rest with respect to their claims, they were harassed about through successive Courts, which, according to the treaty, never had any jurisdiction over natives of this country. The noble Lord said that the House of Commons ought not to interfere except in extreme cases; but surely this was an extreme case. What the noble Lord proposed to do was to lay before the House the voluminous correspondence relative to the affair, in order that the House might ascertain all the circumstances of the case. Now, so far as his slight experience went, there was no less likely manner of enabling the House to ascertain the facts of a case of this sort than by laying before them a mass of papers—in this instance so voluminous that the noble Lord confessed himself unable entirely to arrive at a clear understanding of the affair. If the facts were undisputed, then let the noble Lord and the Government call upon the Portuguese Government to compensate these parties; if, on the contrary, they were disputed, what better or more convenient mode of ascertaining the truth than that of referring the subject to a Select Committee? He certainly thought that the

case made out by the hon. and learned Member for Hertford—unanswered as it was by the speech of the noble Lord opposite—called for inquiry, and he should therefore support the Motion.

SIR JOHN SHELLEY said, he fully agreed with the hon. and learned Member who had just sat down that the speech of the noble Lord the Member for the City of London by no means met the case made out. Here was confessedly a case of great hardship. A British merchant had been ruined by the trickery of the Portuguese Government, and the only remedy suggested by the noble Lord was to lay before the House a mass of papers so voluminous that he himself confessed he could not comprehend them, but which he expected hon. Members to go through in the very few hours which they could spare from their attendance on the House and from their other duties. Surely in a case of this sort a Select Committee was the best mode of obtaining information, and he therefore hoped that the noble Lord would reconsider his verdict.

MR. OLIVEIRA said, he had a tolerable intimacy with the commercial treaties with Portugal, and he could bear witness that they had been fairly stated by the hon. and learned Member for Hertford. He thought the case presented considerable difficulties and required investigation, and he should therefore support the Motion for the appointment of a Committee.

MR. T. CHAMBERS, in reply, said, that when he entered the House that day he was sure he had a good case, and he should leave the House assured that his case was a still better one, even upon the showing of the noble Lord (Lord J. Russell).

The House divided :—Ayes 126 ; Noes 74 : Majority 52

#### THE LEADERSHIP OF THE HOUSE.

MR. CAYLEY rose to move for "A Select Committee to consider the duties of the Member leading the Government in this House, and the expediency of attaching office and salary thereto." He hoped the figures just read at the table would be a warning to his noble Friend the Member for the City of London not to interpose in the Motion which he was about to bring forward. He had had no communication with the noble Lord on the subject of this Motion, for it was a matter on which the House of Commons alone ought to decide, and with regard to which the noble Lord, and even the Government, ought to be

shut out of court. He believed it was imagined by some hon. Members that he was about to ask that the leader of the House of Commons should receive a salary. Such, however, was not his intention. True it was, at the commencement of last year he was very forcibly struck by the circumstance that the noble Lord the Member for the City of London held a situation the most influential and the most laborious in that House or in the country, without the public compensating the noble Lord in the way in which public services were usually compensated. He (Mr. Cayley) could be actuated, in bringing forward this Motion, by no other motive than a sense of public duty, and a sense of the duty which he thought the public owed to those who served it. When Lord Aberdeen's Government was formed, there was—whether in consequence of the combination of parties or not he could not say—some difficulty in the division of office. But, in the first instance, public rumour told them the noble Lord the Member for London was indisposed to take office, partly, it was understood, because his health was not strong, and partly, probably, because having had so long a course of public service, he was not indisposed for that domestic repose which, at a certain time of life, and after a length of public service, a Minister might be supposed to be desirous of enjoying. At any rate, it was understood publicly that the noble Lord was not disposed to take office. He was, however, persuaded to take the office of Secretary of State for the Foreign Department, but he shortly resigned that office, and remained a member of the Cabinet, advising Her Majesty, he (Mr. Cayley) presumed, in his capacity of Privy Councillor. It was under these circumstances that he (Mr. Cayley) had given notice last Session of his intention to bring the subject under the consideration of the House. He was not at all cognisant of what the sense of the House would be; he only knew that, after giving the notice last Session, he was addressed privately by many Members of the House, who thought that in principle he was right, and that the course he suggested was one which might be constitutionally adopted. As he did not know the way in which the House would deal with the question, he wished to address himself to its reason, its sense of justice, and that common fairness which had always distinguished it. The noble Lord (Lord J. Russell) having resigned the office of Foreign Secretary,

fell back upon his situation as Privy Councillor, and took his seat in this House as leader of the Government of the country. It must be patent to every Member of the House what the labours of that office must be; for office, whatever it might be directly, indirectly it must be considered to be. The salary the noble Lord would have received, had he been First Lord of the Treasury, would have been 5,000*l.* a year; but that office being now held by a Member of the Upper House of Parliament, the noble Lord sat in this House, performing the office of its leader without any salary whatever. He (Mr. Cayley) desired that position to be distinctly understood. And what, then, were the labours of the office held by the noble Lord? The leader of the House of Commons had to be here early and late; he had to make himself master of every question introduced, whether by Government or by an individual Member of the House; the whole of his mornings must be occupied in making himself master of those questions, and the whole of his evenings had to be passed in debating them when they were introduced. One great, significant, and substantial reason for the noble Lord declining the office of Secretary of State for the Foreign Department was, that, if the duties of that department were to be assiduously fulfilled, it was next to impossible for physical endurance to perform the duties of leader of the House of Commons. He had heard it stated by a late hon. Member of the House (Sir R. H. Inglis), that at Mr. Canning's death it was prophesied by an experienced Member of the House that the office of leader of the House of Commons would never again be held with a public department. A very laborious office was tried by Sir Robert Peel in 1835, when the whole labours of the Government fell almost exclusively upon his shoulders; but when at a subsequent period Sir Robert Peel took office as First Lord of the Treasury, he held that office alone, and absolved himself from the second office. He (Mr. Cayley) took that to be illustrative evidence in favour of his proposal. What, then, were the labours of the office held by the noble Lord? It was notorious that the business of the House had greatly increased, and it must be equally notorious that a great part of that increase must be reflected back upon the shoulders of the leader of the House. And as the business of the House increased, so had the number of Motions, and the general

interest felt in public affairs, all necessarily increasing the labours of the leader of the House. The sittings of the House in former times averaged three hours a-day, but they now averaged eight hours, and towards the close of the Session they averaged ten hours a day. At the same time, the length of the Session had extended to from 120 to 140 days, and the average sitting of the House was somewhere about 1,000 hours in the course of a Session. In 1752 the divisions during the Session were 15, in 1851 they were 127, and in 1852 they were 242. The journals of the House 40 years ago occupied a space of 427 pages, and now, with the pages and type the same, they would occupy 2,400 pages—an increase nearly sixfold. Then, again, as his right hon. Friend the Member for Droitwich (Sir J. Pakington) said the other day, the number of petitions had greatly increased, considerably extending the labours of the House. In 1837 the petitions numbered about 7,000, in 1847 they were 15,000, and in 1848 18,000. All this showed an enormous increase in the business of the House, and all that increase of business attached more or less to the office of leader of the House. It might be said, the labours of the leader of this House were not so great as those of a public department; but if any one would take the pains to observe a Member holding a very laborious department of Government, and see him come down here at four o'clock, after spending four or five hours in transacting his official business, he would frequently observe a physical condition which would utterly disable that Member from doing duty as leader of the House during the evening. It might appear to some men a simple enough matter, seeing how smoothly it was done by the noble Lord, to perform the duties of leader; but how, it might be asked, had the noble Lord the Member for London found the experience to enable him to lead the House? There was scarcely a public office he had not held, beginning, if he (Mr. Cayley) remembered rightly, as Paymaster of the Forces. At all events, the experience of the noble Lord had been gained by a long course of public service, during which the noble Lord had filled almost every public office of the State, filling the offices of the Chief Secretaries of State in succession, and other offices besides. It was by filling those offices and by the long tenure of his seat in the House, that the noble Lord had made himself competent to fill the po-

sition he now held. Was it reasonable that experience of this valuable nature, at the cost of such prolonged service obtained and supplied gratuitously to the country—that because the health of the noble Lord the Member for London, or the health of any other man, might disable him from holding a public department of oppressive duties, and at the same time fulfilling the onerous duties of leader of the House—was it reasonable, was it fair, or was it generous, because the labours of that office had grown so great, because the business of the House had increased so inordinately—was it reasonable, because no provision had been made to meet the difficulty, to say that no attempt should be made now to meet it? Was there any office in the State more responsible or more influential than that held by the noble Lord, or one which required a greater combination of powers to fill it properly? He would pause for a moment to inquire what were the salaries attached to many of the principal offices of the country. The Lord Chancellor received 10,000*l.* a year, and 4,000*l.* as Speaker of the House of Lords; the First Lord of the Treasury received 5,000*l.*, the Chancellor of the Exchequer 5,000*l.*, the Secretaries of State 5,000*l.* each, First Lord of the Admiralty 4,500*l.*, Speaker of the House of Commons 5,000*l.*, Lord President of the Council 2,000*l.*, Privy Seal 2,000*l.*, President of the Board of Trade 2,000*l.*, First Commissioner of Works 2,000*l.*, Chief Justice of the Queen's Bench 8,000*l.*, Chief Justice of the Common Pleas 7,000*l.*, Chief Baron of the Exchequer 7,000*l.*, the Puisne Judges each 5,000*l.*, Master of the Rolls 6,000*l.*, Vice-Chancellors 5,000*l.*, and so on. If the salary of a public servant was to be at all in proportion to the difficulty of finding a person to fill the office properly, he knew of no office in the country which ought to be remunerated like that of leader of the House of Commons, for the leader of the House not only acted as leader of the greatest assembly in the world, but to a great extent he exercised an influence over the civilisation and progress of the country. It might be said the noble Lord (Lord J. Russell) was entitled to a pension. The noble Lord certainly was entitled to a pension, but the noble Lord refused not only to occupy a laborious office with a salary attached to it, but also to take the pension to which he was entitled. There had been considerable misapprehension regarding the

*Mr. Cayley*

Motion which he (Mr. Cayley) intended to make—[MR. W. WILLIAMS: Hear, hear!]  
—which was for a Select Committee. He understood the cheer of the hon. Gentleman opposite. Did it mean that the hon. Gentleman wanted the work done without proper remuneration; that he denied a fair day's wages for a fair day's work; that the work was not worth the hire? If the hon. Gentleman thought so, he (Mr. Cayley) was happy to think a large majority of his countrymen were more just and generous. A general impression seemed to have gone abroad that it was his (Mr. Cayley's) intention to create a new office for the leader of the House of Commons. No such thing was intended by him, but the question appeared to him to be one of great importance. He knew of no precedent (during the present century, at least) for a leader of the House of Commons being similarly situated to the noble Lord (Lord J. Russell). It appeared to him a very anomalous position, even constitutionally, for the leader of the House to occupy; and it was his intention now to ask permission to go into an inquiry how that anomalous position could be best met. There were various ways of meeting it, and it was not for him to judge which was the best. It appeared to him, however, that there was a clear and simple method of meeting the question if it was the wish of the House that the leader of the House of Lords should be in no better position as regards salary than the leader of the House of Commons. If a Select Committee so thought fit, there could be no difficulty in attaching to any office under the Crown held by the leader of the House of Commons, of less official labour than such offices as the Secretaryship of State, the same salary as that enjoyed by the First Lord of the Treasury. Take, for instance, the office of President of the Council. He saw no reason why, when the First Lord of the Treasury sat in the House of Lords, the President of the Council should not sit in this House as leader of the House of Commons, the Queen having the power, when circumstances were such, of attaching the same salary to the President of the Council as to the First Lord of the Treasury. An office of that dignity would add influence to that already possessed by the leader of the Government in that House. He merely threw out these ideas as suggestions; but he could not but consider it a very anomalous state of things that a public servant occupying the most



laborious and most responsible position in the country should be serving the country without any remuneration whatever. As respected the constitutional part of the question, he would not at present detain the House upon it. The noble Lord himself was too well versed in the constitution of this country to have suffered himself gravely to have infringed it. And yet serious constitutional objections had been started, both in his own mind and in that of others, and might by others perhaps be touched upon. It might be supposed, and perhaps it had been by some, that he wished to make this an exceptional case. On the contrary, he wished to deal with it entirely upon general principles. If he wished, indeed, to make an exceptional case of this, no unsubstantial ground might be taken for it. If he were to say, the noble Lord the Member for London possessed, as qualities fitting him for the office, that he had a greater constitutional knowledge, perhaps, than any other Member of the House; that he exhibited more tact and readiness and temper in debate than any other Member; that his courage under all circumstances was proverbially undaunted; that his services had been such as to add lustre to the name he bore; and, were he to add as a crown to those qualities, that he possessed that mild simplicity of demeanour without which real dignity can scarcely exist, he (Mr. Cayley) should but affirm that which every Member of the House would re-echo, only in terms more appropriate than he could pretend to do. But he did not intend to put the case upon any exceptional basis. He placed it on one of fair dealing and common justice, as well as policy, for policy it never could be to starve remuneration to the ablest servants of the country. He could fully appreciate the morbid sensibility, perhaps, of the noble Lord in not taking the pension to which from long service he was entitled. He did not know whether, upon the whole, the example of the noble Lord was a good one, because, were it to become prevalent, no one could hold office in this country but those of the first class of fortune; and he did not exactly know whether it would be for the public service that persons of that class alone should be employed in matters of State. There were instances where such an example had operated very much to the inconvenience of members of late Governments, who had declined taking pensions for their services, their minds having been operated upon, perhaps, by

such examples as that of the noble Lord. It would be invidious to make references, but he could, if he were inclined, point to a case where a pension, declined by a gentleman from sentiments of high public virtue, would be of great importance to that gentleman now. And there was another reason inducing him to consider the example of the noble Lord a bad one. Public offices should be filled by the ablest men of the day; but those had often entered into professions. Instances had occurred of men at the zenith of their powers having been persuaded to leave a lucrative profession, say the law, for service under the Crown. A Privy Councillor, however, could not, according to etiquette, return to general practice in the law. A man thus situated, holding office under two years, had no claim to a pension, and still lost his place in the profession he had abandoned for the public service. This was a state of things requiring remedy. Even if he had served the whole period requisite to entitle him to a pension, the example of the noble Lord, who had held office so long, would operate on a sensitive mind probably to deter him from the acceptance of that to which he was justly entitled, and without which he might be exposed to grievous personal privation. He, however, fully appreciated the public virtue of the noble Lord in refusing the pension; but he thought that when great services were rendered to the public, those services should be rewarded as the public had usually been disposed to reward them. If only upon the bare and naked principle of supply and demand, the difficulty of finding a man like the noble Lord the Member for London to fill so responsible an office (he believed he was not wrong in saying it was not that difficulty alone which induced the noble Lord upon a late occasion to enter office)—if upon that bare and naked principle alone, he hoped the House would be induced to grant him the Committee he asked for, and to pay what he considered a great public debt to a servant who had served the country so efficiently and so long.

MR. STIRLING seconded the Motion.

Motion made, and Question proposed—

“That a Select Committee be appointed to consider the duties of the Member leading the Government in this House, and the expediency of attaching office and salary thereto.”

SIR CHARLES WOOD said, he was certain that it was unnecessary for his hon. Friend (Mr. Cayley) to say any-

thing in order to convince the House that he had any other motive than a desire for the benefit of the public service; but he doubted whether he had equally convinced them of the policy of the course he had suggested, and while giving him full credit for his motives, he must, at the same time, totally dissent from the proposed measure. His hon. Friend stated that he did not intend to attach a salary to the office of leader of the House of Commons, but the whole drift of his speech was to attach a salary to that undefined and undefinable office. No doubt a Motion for a Committee was a very convenient form in which to raise the question; but he trusted the House would not recognise the principle of attaching a salary to an office which did not exist, and the duties of which could not be defined. His hon. Friend said he did not bring this question forward with any special reference to the noble Lord (Lord J. Russell); but nine-tenths of what he had said referred to his noble Friend, and he (Sir C. Wood) objected to the course which his hon. Friend proposed of founding a general measure upon an exceptional case—namely, that of his noble Friend the Member for the City of London holding that position whilst he did not fill any of the offices of State. It did not become him (Sir C. Wood) to say anything of the qualifications of his noble Friend for the prominent part he took in that House; but he entirely concurred in what his hon. Friend had said on this subject, and he believed his hon. Friend had expressed the general opinion of the House in speaking of the manner in which the noble Lord had discharged the duties of the leadership of that House. But when his hon. Friend proposed that a salary should be attached to that office, how would he define the position of the person who was required in practice as leader of the House, or the duties to be performed by him? He would not deny that the duties of the leader of the House of Commons had increased in a very great degree within the last few years. But the same assertion would be just as true with regard to every Member of the House as in respect to the person who took the most prominent part in it on the part of the Government. Any person who had much experience of the House knew that every private Member had had increased duties thrown upon him during the last few years, and Mem-

*Sir C. Wood*

bers of the Government had only taken their share of the increased business of the House. A salary was properly attached to a public office, but much inconvenience would result if a person holding no defined or responsible position, and charged with no official duties, should receive a salary under the denomination of leader of that House. He was not aware that any difficulty had been found in the leadership of the House being evinced by persons holding office. His noble Friend (Lord J. Russell) had led the House for some years as First Lord of the Treasury; the right hon. Gentleman, whom he did not now see in his place (Mr. Disraeli), had led the House as Chancellor of the Exchequer, and he was ready to bear testimony to the ability and industry with which he had discharged, in addition to that office, the duties of the leader of the House. His noble Friend (Lord J. Russell) had also led the House as Home Secretary. The late Sir Robert Peel had led the House as Chancellor of the Exchequer; and Mr. Canning had done so, while Secretary of State for Foreign Affairs. Here were three or four of the highest offices, the duties of which had not been found incompatible with the leadership of the House. If the duties of these offices were to be found so heavy as to render it impossible for the person holding them, to take as active and prominent a part in the duties of the House as the person recognised as the principal organ of the Government must necessarily do, there were other offices of less labour to which he might be appointed, and there was no reason why a person should not accept an office of lower emolument and yet discharge with efficiency and with honour to himself the duties of the leader of that House. But it was clearly incompatible with the constitutional practice of that House that a salary should be given to any person except for the discharge of official duties as a Member of the Government. His hon. Friend had hinted that strong constitutional objections might exist to the course he proposed; but his hon. Friend had not in the slightest degree attempted to grapple with those objections. Those objections seemed to him (Sir C. Wood) to be insuperable, and assuredly his hon. Friend had laid no grounds for his Motion. The course proposed by his hon. Friend appeared to him the most objectionable, and the House would do well to reject it merely on the ground that it was unconstitutional.

pedient to refer this subject to a Committee, but on the substantial, and in his opinion insuperable, objection to the proposal.

MR. W. WILLIAMS said, the hon. Member (Mr. Cayley) had asked whether there was any objection to a fair day's wages for a fair day's work. He did not object; but the noble Lord (Lord J. Russell), he was sure, would be the last to countenance the proposition of the hon. Gentleman, and was too honourable and highminded to do so. Every one knew that the noble Lord was so important a Member of the present Government that he might have in it any office he pleased, whether an office with the highest or the smallest salary. But the noble Lord had chosen a place in the Government without any salary, and this was not a proper time to create new places and add to the burdens of the people. The hon. Member had referred to the number of hours exhausted in each sitting; but he should recollect that there were many private Members of that House who were quite as close in their attendance as the noble Lord. Under these circumstances, he (Mr. Williams) thought the Motion unwise and uncalled for, and should therefore give it his opposition.

MR. WALPOLE said, he considered that great inconvenience would result from attaching a salary to an office which was not known to the constitution. He must also add that the anomalous position occupied by the noble Lord had already established a very inconvenient, if not unconstitutional, precedent. Of the noble Lord, he was not going to say a word beyond the expression of his entire concurrence in the eulogy passed upon him that evening for his conduct and management of public business in that House. In addressing himself to this question, therefore, it was not his intention to say anything that might be supposed to cast a reflection on the noble Lord; but he wished to remind him of what he (Mr. Walpole) had previously communicated in private, that he considered the precedent, in a constitutional point of view, which the noble Lord had now set by occupying, without holding office, the leadership of the House, was full of anomalies. He mentioned this because Members were in the habit of laughing loudly of Ministerial responsibility, in the House of Commons. There was no Ministerial responsibility, as he knew of,

except by virtue of the office which the Minister held, or, as a Member of the Privy Council. But there was no responsibility in his being a Member of what is called the Cabinet. For anything that was done in his department, the Minister was responsible. In some cases he might attach his seal; in other cases he might put his hand to it; but in all cases the act done was proof of the responsibility, and could be brought home to him. As Privy Councillor, also, a Minister was responsible for all the advice given by him in that capacity; and if that advice were contrary to the constitution, it was liable to be impugned at a future period, provided it could be proved. But, according to the present practice, it could not be proved if any fault were likely to be found with it. Until the reign of Charles II. there was no such thing as advice being given by a Privy Councillor, unless the signature of that Privy Councillor was attached to it. The distinction between the Privy Council and the Cabinet was unknown to the constitution. The Cabinet was a body not recognised by the law, and its Members were under no responsibility whatever. Since the speech of Mr. Fox upon the appointment of Lord Ellenborough to a seat in the Cabinet while he was Lord Chief Justice, this position had been settled beyond the possibility of contradiction. Then where was the responsibility? As a Cabinet Councillor, there was none. As a Privy Councillor, the responsibility with reference to the acts advised by him to be done, was nothing more than imaginary, on account of the difficulty of proof. So inconvenient was this, that when the Treaty of Utrecht was signed, it was found difficult to impeach the Ministers for the measures they had adopted in the accomplishment of that treaty. The inconvenience being then felt, a remedy for it was made part of the Act of Settlement; for a clause was introduced which had been subsequently repealed, declaring and requiring that every Privy Councillor should sign the advice he gave during the time he was Privy Councillor. Why that portion of the Act was repealed, had never been explained. The suggestion offered by Mr. Hallam was, that Ministers did not like the responsibility, in those days of impeachment, which was thereby incurred. So that from that day to this there was no means of fixing the responsibility of the Minister merely because he was a

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Mr. Whipple



culty might be easily obviated if it should be generally understood that the organ of the Government in each House of Parliament should fill two places which were not inconsistent with their position, and which were not encumbered with very onerous duties—he meant the offices of the First Lord of the Treasury and the President of the Council. He conceived that in a constitutional point of view there was no reason why the organ of the Government in that House should not fill either. It was usual, indeed, that the leader in that House should fill the office of First Lord of the Treasury, because finance was the peculiar province of the House of Commons. But in the history of their country there was an instance of the leader in that House holding the office of President of the Council; and rather than the anomaly should be introduced of the leader and representative of the Government holding no office, he should much prefer that precedent being followed, although it would be better that the organ of the Government in that House should, as a general rule, be First Lord of the Treasury. In offering these observations he would conclude as he had begun, by stating that he intended no censure or reflection on the arrangement which had been made in reference to the leadership of the House of Commons in the present instance. His remarks were submitted with an eye to the future, and in order that this precedent should not be followed on any future occasion. He was not reflecting upon the noble Lord or the Government; but he wished in time to warn the House that arrangements of this kind would lead hereafter to serious inconveniences, which they might have to deplore, unless they were provided against, although he hoped that the occasion on which they should have to deplore them through the conduct or misconduct of any Member of the Government would not be likely to arise.

LORD JOHN RUSSELL: Sir, I can assure the right hon. Gentleman who has just spoken that I do not rise on the present occasion to refer to anything that personally concerns myself. I am quite satisfied with the reasons given by my right hon. Friend the President of the Board of Control against the Motion of the hon. Gentleman opposite. I feel deeply grateful to that hon. Gentleman for the manner in which he has spoken of me; but I cannot conceive that it would be desirable to create an office solely for the purpose of giving a

position to the organ of the Government in this House. I think that any office held by a Minister of the Crown should be created for the purpose of official duties to be performed, and that any position held either in this or the other House should be consequent on and connected with official duties. Sir, the right hon. Gentleman has laid down certain constitutional doctrines, to which I desire to allude for a moment. I hope the House will pause before it gives its entire assent to them. The right hon. Gentleman wishes to maintain the responsibility of Ministers of the Crown; but I confess I think in doing so he unduly restricts that responsibility. He argues that Ministers of the Crown and Privy Counsellors are not responsible; but the House will doubtless recollect that at the time of the Treaty of Partition Lord Somers held the office of Lord Chancellor, and an impeachment was laid against him because of the correspondence which he held with King William in regard to the advice which King William asked of him with respect to that treaty. King William asked his opinion, and he consented to give his opinion with respect to the policy of making that Treaty of Partition. Now, that advice had nothing whatever to do with his office as Lord Chancellor. The right hon. Gentleman may say that Lord Somers had to fix the great seal to the treaty; but that would not be an answer to what I say, because, in fact, the fixing of the great seal to a treaty is a transaction subsequent to the arrangement of its terms. But then, again, that objection does not apply to the advice given by Lord Oxford, who held the office of Lord High Treasurer in the transaction with France regarding the surrender of Tournay; and other matters, which were made articles of impeachment against Lord Oxford, had nothing whatever to do with his conduct in the Treasury, or in any business which, as Lord High Treasurer, he had to transact. In his case, as in the case of Lord Somers, the articles of impeachment were founded upon the advice which he, being a Privy Counsellor, trusted and consulted by the Sovereign, had given, and for which he therefore had to answer. I hold, therefore, that it is not merely the business which a Minister transacts in performing a particular duty of his office, but any advice he has given, and which he may be proved before a Committee of this House, or at the bar of the House of Lords, to have given, for which he is responsible, and consequently

for which he may suffer the penalties which may ensue. But if this is the case, it is quite obvious that whether the person so advising the Sovereign holds an office totally unconnected with the business upon which he is consulted, or whether he holds no office whatever, the constitutional argument is exactly the same. Lord Oxford, not being Secretary of State for Foreign Affairs at all, had given advice with respect to the negotiation of a treaty; that advice referred to a subject which had no connexion with his office of Lord High Treasurer, and he was impeached for it, as he would have been, of course, if he had held no office whatever. I remember Lord Lansdowne stating in the other House of Parliament, a good many years ago, when the Bishop of London had an audience with his late Majesty George IV., that he, the Bishop of London, being a Privy Councillor, was responsible for any advice he had given to the King on the occasion of that audience. I conceive Lord Lansdowne was perfectly right in that opinion, and the Bishop of London, if he had given any advice to the Sovereign would have been responsible for it. Take a case that happened only the other day, and which you will find mentioned in the Turkish blue books now upon the table of the House. Lord Clarendon states that on a particular occasion, when it was impossible to collect all the Members of the Cabinet together, there was a meeting held in the Foreign Office, consisting of himself, the First Lord of the Treasury, the Home Secretary, and Lord John Russell; and he adds that these four Ministers came to an opinion, which he communicated to Her Majesty. Now, supposing that the advice which we gave on that occasion had been of a nature dangerous to the independence of this country, or that it had been liable to the charge of being a high crime and misdemeanour, I contend that every one of us—the First Lord of the Treasury, the Home Secretary, and myself—would have been equally responsible with the Foreign Secretary for having given that advice. The right hon. Gentleman opposite, I think, would hardly make a distinction—he would hardly say that I was exempt from any responsibility on account of the advice so tendered. It is somewhat remarkable, speaking of this matter, that Mr. Fox, who made that speech in defence of Lord Ellenborough being a Member of the Cabinet to which the right hon. Gentleman has referred, is stated by Lord

*Lord John Russell*

Holland, who was in possession of his most secret thoughts, in a work lately published, to have said that after a time he should be glad to retire from the Foreign Office, which he then held—that he would not give up to any man the prospect he then thought there was of concluding peace with France, and abolishing the slave trade—but that after that he should either take some office of less labour, or very likely, he said, remain in the Cabinet without any office whatever. So that Mr. Fox seems then to have contemplated the course which has since been adopted. However, the present case is, as the right hon. Gentleman said, an exceptional case; but I do not require to enter into the particular reasons which induced me to occupy the position I now hold without office. The only question is, whether that position should be maintained? The right hon. Gentleman objects to it, in the first place, because it may be a precedent for some one to come into the Cabinet, and be the organ of the Government in this House, without going back to his constituency. With respect to that objection, I certainly have not set such a precedent, because I did vacate my seat when I accepted office. With regard to the other objection—the difficulty, as I understand the right hon. Gentleman, of fixing responsibility upon the Minister—

MR. WALPOLE: What I said was, that the country would like to know who were the responsible advisers of the Crown.

LORD JOHN RUSSELL: That is an objection which would have been perfectly applicable in the time of Lord Mansfield; but we have now come to that state of publicity with regard to everything that takes place, and correct information as to the advisers of the Sovereign and the attendance of Cabinet Councils is so easily arrived at, that I do not think the objection can be fairly applied to the present case. Sir, I have said already that I do not wish to enter into any question with regard to my own position. I trust that my hon. Friend opposite, having heard the opinion of the House, will not persist in his Motion, though I quite agree with him that the organ of the Government in this House should, generally speaking, hold office.

MR. CAYLEY said, that satisfied with the discussion which had taken place, and seeing that the temper of the House was not in favour of appointing a Committee, he would beg leave to withdraw his Motion.

At the same time, he hoped the observations of the right hon. Gentleman the Member for Midhurst would not be forgotten.

Motion, by leave, *withdrawn*.

The House adjourned at a quarter before Eight o'clock.

## HOUSE OF LORDS,

*Friday, February 10, 1854.*

### RUSSIA AND THE PORTE.

THE EARL OF CLARENDON having *presented* (by Command) Correspondence respecting the Rights and Privileges of the Latin and Greek Churches in Turkey, Part III.—

EARL FITZWILLIAM: My Lords, I will now proceed to put the question to my noble Friend the Secretary of State for Foreign Affairs, of which I gave notice yesterday. It is so much a matter of notoriety, that I need not remind your Lordships, that a Russian Minister has lately proceeded from St. Petersburg to Vienna, for the purpose, as it is supposed, of making some proposition either to the Court of Vienna, or through the Court of Vienna to the Ottoman Porte. The questions I am desirous, therefore, to put to my noble Friend are these: In the first place, whether Her Majesty's Government is cognisant of any proposition that may have been made there to any person, or that has been made there, either to the Court of Vienna or to the Ottoman Porte, through the intervention of the Court of Vienna; and whether, in the event of any copy of these propositions being in the possession of Her Majesty's Government, my noble Friend will have any objection to lay before Parliament that document, either *in extenso*, or the substance of it? I believe I have stated clearly the information I desire to obtain from my noble Friend.

THE EARL OF CLARENDON: My Lords, it is notorious, as my noble Friend has said, that Count Orloff has been sent on a special mission from St. Petersburg to Vienna. I believe that he was not the bearer of that counter-project or answer to the terms of the Turkish Government to which I alluded the other night. Those terms, or counter-terms, were sent by the Austrian *Chargé d'Affaires* from St. Petersburg to his Government, in reply to the communication he had been instructed to make to the Russian Government. I may as well mention in substance what the terms proposed by the Russian Government

were. The first was, that it was indispensable that a Turkish negotiator or plenipotentiary should proceed either to St. Petersburg or to the head-quarters of the Russian army, in order to negotiate peace; secondly, that if he came to St. Petersburg, the representatives of the Four Courts might have instructions to advise and concert with the Turkish plenipotentiary, but that the form of a conference was to be avoided; thirdly, that there was to be some separate or independent act or protocol, defining clearly the former and recent firmans of the Sultan, confirming or bestowing privileges or immunities on the Greek Church in the East: there was also an article to the effect that the Principalities should be evacuated as soon as practicable; and, fourthly, that an arrangement should be come to with respect to affording an asylum to what are called "agitators and revolutionaries" from different parts of the world. A Conference was summoned by Count Buol at Vienna, to which this counter-project was submitted. It was compared with the terms forwarded by the Porte to Vienna, approved of by the Conference at Vienna, and transmitted to St. Petersburg—and it was found to be totally at variance with those terms. The Conference, therefore, determined, and recorded that determination in a Protocol, that it was unacceptable by the Sultan, and should not be transmitted to Constantinople. That is the answer to my noble Friend's question with respect to the counter-project, or terms proposed by Russia. With respect to the objects of Count Orloff's mission, I beg to state that I have no official papers on the subject, and that I am not able to make any statement to your Lordships; but I believe I may say this much—that that mission had, as far as I am informed, only reference to the relations and proposed relations between Russia and Austria; and I believe that the answer given to his proposals was such as was fitting to be given by an independent country.

[Subject resumed on Question respecting PARLIAMENTARY REFORM.]

### NEUTRALITY OF DENMARK AND SWEDEN—QUESTION.

THE EARL OF ELLENBOROUGH: I wish to put a question to the noble Earl the Secretary of State for Foreign Affairs, of which I have not had an opportunity to give notice, but respecting which notice is not necessary, as it merely relates to a

matter of fact. I beg to ask the noble Earl whether Her Majesty's Ministers have received from the Court of Denmark, or from the Court of Sweden, any communication as to their intentions with respect to their utter neutrality or modified neutrality, in the event of hostilities occurring in the Baltic?

THE EARL OF CLARENDON: In answer to the question of the noble Earl, I have to state that we have received communications both from Sweden and Denmark. They have announced to us their intention of preserving a strict and perfect neutrality; and they have also sent a list of those ports and fortified places to which they would not admit the ships of war of the belligerent Powers. Our answer to those communications was, that we approve of the system of policy which they propose to adopt, and of the manner in which they intend to carry it out. I may also say that we said we shall respect that neutrality.

THE EARL OF ELLENBOROUGH: Has the noble Earl taken exception with respect to the particular ports enumerated by Sweden—inasmuch as he (the Earl of Ellenborough) understood that several of those ports are almost essential to the practical action of our fleet in the Baltic? In this matter we stand on an inequality as regards Russia, inasmuch as Russia has ports and we have none, and the exclusion which was proposed would deprive our vessels of ports in which to take shelter in the event of stress of weather.

THE EARL OF CLARENDON: No exception has been taken by us to any part of the communication from Sweden, and we consulted the Naval authorities before we gave our answer. I may say that great exception has been taken by Russia to the system which Sweden has announced.

THE EARL OF DESART: So far as I can judge, it still appears from public report that there is some possibility of peace. I do trust, however that may be, that Russia is not to be permitted to gain another of those diplomatic victories by which she has acquired a greater addition of territory within the last century than she has done by force of arms. If Russia is still willing to negotiate and to accept such propositions as the Sultan would have submitted to some time ago, let her do so; but if that is not her intention, and if Russia is permitted to retain the Black Sea as a *mare clausum*, I can only say that you put powers into her hands which

*The Earl of Ellenborough*

have long been the source of contention, and out of which will probably originate fresh contentions, which may draw this country into a war which she perhaps may not be as well prepared to meet, or in which she may not be as well seconded as she is now. I trust I shall be excused for offering these remarks; but I feel strongly that this should not be allowed to be a triumph instead of a punishment to Russia, after the calamities which she has brought upon her subjects, the great obstructions which she has occasioned to commerce, and the near embroilment in a war in which she has involved all Europe.

EARL FITZWILLIAM asked whether the House was to understand that the noble Earl had, or had not, any papers relative to the mission of Count Orloff to Vienna?

THE EARL OF CLARENDON: I distinctly said I had no papers. I am willing, as soon as I get information, to place it before the House, exercising, however, my own discretion as to the propriety of producing any papers relating to a matter in which this country is not immediately concerned. At present I have no papers to produce.

#### PARLIAMENTARY REFORM—RUSSIA AND THE PORTE (RESUMED).

EARL GREY: In putting the question of which I have given notice to the noble Earl at the head of Her Majesty's Government, I have only a very few words to say in explanation of my reason for doing so. Your Lordships are aware, from the Votes of the other House of Parliament, that notice has been given that a Bill on the subject of Parliamentary Reform is to be proposed in that House on Monday next on behalf of Her Majesty's Government. This notice was given at the beginning of the Session; but since it was so given, I have heard from persons of the most various political opinions, and of the most conflicting views as to the propriety of any further reform or not—from gentlemen of all parties I have heard such a unanimous concurrence in the opinion which I ventured to express to your Lordships in the debate on the Address, that it was inexpedient to bring forward the question of reform, before the measures for the national defence which may be required by the probable outbreak of war were completed, that I really felt confident that Her Majesty's Government would postpone



that notice unless they should be able to assure us that the probability of a disturbance of peace was at an end, and that they could rely upon tranquillity being preserved. Your Lordships are aware, from the answer given both to-night and on a former evening by my noble Friend the Secretary of State for Foreign Affairs, that he has not been able to hold out to us any such hopes of the preservation of peace. On the contrary, the noble Earl has told us this evening that the temper of the Emperor of Russia makes the probability of war stronger than ever. Under these circumstances, I am anxious to know whether Her Majesty's Government really mean to submit to Parliament a measure for the alteration of the constitution of the House of Commons before those measures which are essential for the defence of the country have been considered and disposed of. I cannot help remarking to your Lordships that there is naturally a great anxiety on the subject in the public mind. Every man is most anxious to know when Her Majesty's Government propose to submit to the House the Army and Navy Estimates, and when other measures will be brought forward, and especially that measure which has been announced for extending the Militia Law, which is now only applicable to England, to the other divisions of the United Kingdom. It is earnestly desired by all parties that those measures should be made known to the country with the least possible delay, and should be considered, and the opinion of Parliament taken upon them. There is a very great objection to the discussion of those subjects being interfered with by another question of the peculiar nature of that which I have mentioned. I beg to call your Lordships' attention to the fact that the delay which may be thereby caused, may not be merely the delay of a single night or of the several nights that may be occupied by an adjourned debate upon the intended Reform Bill—it may be a delay of a much more serious character; for I presume that such a measure as one of Parliamentary reform is not to be launched by Government without a full intention of proceeding with the consideration of it without unnecessary delay. Looking, however, to the very conflicting views and to the great variety of opinions on this subject which now prevail in the country, it is possible that Her Majesty's Government may fail in proposing a measure that will meet with the ap-

probation of Parliament or of the country. Are we, then, in the midst of our preparations for war, to have a dissolution of Parliament, or a resignation of the present Ministry? My Lords, I am not one of those who profess an unbounded confidence in Her Majesty's present advisers, but at the same time I own that I should look forward to their resignation at the present moment with deep alarm and apprehension. At no time is a change of Government effected without some considerable disturbance of the regularity of the movements of the Executive Government. It is quite true that when the members of one Administration resign, they continue in the performance of the functions of their various offices until their successors are appointed, and that there is no actual interruption of the most necessary functions of the Executive Government; but I know also that from the very day on which the resignation of Her Majesty's advisers has been accepted, until their successors have been actually installed, more than one-half of the real power of the Government is destroyed. It is utterly impossible that when the reins of power are about to pass from the hands of one set of men to those of another—when it is uncertain whether the measures brought forward by them may not be reversed by those who succeed them—it is quite impossible, under such circumstances, that the Government can be carried on with proper vigour and effect. These changes—even in times of profound peace and tranquillity—are not unattended with a certain degree of inconvenience; but at the moment of preparation for war, or of the actual breaking out of hostilities, when the various measures required for the purpose are in actual progress, I am sure every man must feel that a change of Ministers must be attended with the greatest inconvenience if not danger. We cannot afford to have a Ministerial crisis needlessly brought on, or even risked, at a time when the attention of the country ought to be entirely occupied in providing for its defence, and for the vigorous conduct of the hostilities with which it is threatened. It is upon this ground that I am most anxious to know whether, even at this last moment, Her Majesty's Government may be inclined to postpone bringing on that subject to which I have adverted. I quite agree with them that it is a subject which ought to be taken into consideration as early as possible. After what has taken place within the last

two or three years on this subject, there is no advantage to be gained by attempting to get rid of the question. Whatever the difficulty or inconvenience may be, the question must be considered; but that consideration ought not to take precedence of the consideration of the more pressing measures which the present state of the country demands. I beg to ask the noble Earl at the head of Her Majesty's Government whether it is true that a measure of Reform is to be submitted to the other House of Parliament before the introduction of the Navy and Army Estimates?

THE EARL OF ABERDEEN: In answer to the question of the noble Earl, I have to inform him that it is the intention of my noble Friend (Lord J. Russell) on Monday next to bring forward a measure of Parliamentary reform in the House of Commons. If I correctly understand the noble Earl, the objection which he takes to this course of proceeding rests upon the supposition of its interfering with those preparations—those military and naval preparations—which the present state of the country not only justifies but demands. Now, my Lords, it will not practically have any such effect. The Navy Estimates were laid, I believe, upon the table of the House of Commons yesterday; but it was impossible, from the nature of those Estimates, to appoint an earlier day for their consideration than Friday next. On Friday next, therefore, the Navy Estimates will be taken into consideration; but the measure of Parliamentary reform, although proposed on Monday next, will not be proceeded with until after the consideration of the Estimates, both Army and Navy. Therefore the public business will not suffer in consequence of the introduction of that measure. Her Majesty's Government have felt that their character was at stake in the production of that measure, and that if it had been possible for us to postpone it, we should have met with just reprobation on the part of Parliament and of the public for taking that course. Noble Lords seem to think that we are actually at war; but I must say that not only is this not the case, but I, for one, deny (although it has been asserted in this House by various noble Lords) that war is inevitable. On the contrary, although I admit that the case is such as to require ample preparations to meet the dangers of war, yet I will not abandon the hope of maintaining peace. Practically, however, whatever my hopes or belief may be, they will not affect the

*Earl Grey*

course of proceeding of the Government. We shall make all preparations as if war were inevitable. My Lords, if war be inevitable, amongst others of the calamities which must necessarily be inflicted upon mankind by any such event will be this—and it is an additional misfortune—that it will interfere with our progress, social and political, and with all those measures that are most calculated for the welfare of the country. But I cannot admit that the mere apprehension of war is to interfere to prevent us from redeeming a pledge that we have given to Parliament and to the country, and which we are bound and determined to fulfil.

THE EARL OF DERBY: I must say that I have heard with very great regret the statement made by the noble Earl. I heard it with regret, because I think he has quite failed to meet the objection which, as I understand, is urged by the noble Earl (Earl Grey), with regard to the introduction of this measure of Parliamentary reform at the present moment. I do not apprehend that that noble Earl objected to the introduction of the measure, simply on the ground that its introduction would interfere with those naval and military preparations which Her Majesty's Government, as the Executive Power, has undertaken, but because at a moment when it is important that all party feeling should be sunk—at a time when all our attention ought to be directed to one object, and to one object only—namely, preparing for a war, which I believe the noble Lord is the only man in the country who does not believe inevitable—I say, I believe the objection of the noble Earl was, that Her Majesty's Government, for the purpose of redeeming a pledge which was given to the country under very different circumstances, are now running the serious risk of involving the House of Commons in a serious conflict, and of placing parties in a position in which, for the good of the country, it is eminently desirable that they should not be placed. I need not say to the noble Earl (the Earl of Aberdeen) that I agree with the noble Earl who preceded him, in having no great confidence in Her Majesty's present Ministers; but I concur with him not the less in anxiously and earnestly deprecating anything that might tend to remove those Ministers at this moment. I concur with the noble Earl in thinking that at all times under circumstances of public danger, a change of Government, which weakens the hands of the

Executive, and throws uncertainty into the councils of the country, is to be deeply regretted; and, however strong a partisan the noble Earl at the head of Her Majesty's present Government may conceive me to be, and however determined to oppose the policy of the noble Earl as far as I understand that policy, I assure him I desire to see no change of Administration now: at all events, I hope the House and the country will give me credit for not desiring to sacrifice that which I believe to be for the good, the welfare, and the honour of the country, to any considerations of party advantage which could be derived from entering into such a question at such a time as the present. My Lords, the noble Earl upon the bench below has suggested the possible danger and risk arising out of the reform measure not being satisfactory to the country, and consequently involving either a dissolution of Parliament, or a resignation on the part of the Ministers. But, supposing this measure of Parliamentary Reform to be acceptable to the country—an extensive measure we are bound to presume it to be, or it would not be worth all the turmoil and trouble which will be caused by it—but supposing it to be adopted by Parliament, then the Parliament is condemned by its own declaration; and I want to know whether, in that case, such a Parliament is fit to continue to sit to advise the Crown, and to carry on the business of the country. Then, whether the measure be rejected, or be adopted, the proposition of it involves much inconvenience for the present, and at no distant period, a dissolution of the House of Commons; and I ask Her Majesty's Government whether they think—for party considerations or for the good of the country—that a dissolution of Parliament, in the course of the present Session, be a measure which can be taken with a due regard to the interests and safety of the country? My Lords, it is not of the interruption to public business that I complain; it is not of the interruption to the consideration of the naval and military Estimates; it is of the diversion of the attention of Parliament from that subject to which it ought to be mainly directed; it is of the introduction of party feeling where all ought to be harmony and concert in the promotion of one great object, namely, the defence of the country and the prosecution of the war. It is on that account that I concur with the noble Earl upon the bench below, in deeply deprecating the introduction, at this mo-

ment, of a measure so certain to rouse party spirit and excite party animosities as a measure of Parliamentary Reform. I know not what course may be taken in the House of Commons by those who are not in the habit of giving their confidence to Her Majesty's Ministers; but I know that, if party feeling is allowed to prevail, the noble Earl and his colleagues have thrown out a temptation (which it may require some special firmness and virtue to resist) to a union in a vote adverse to the Government, upon a most vital proposition. Many of those who may not dissent from the measure itself, will doubtless object to the time and opportunity selected for its introduction; but, my Lords, I will venture here anxiously to express my hope—however reckless the conduct of the Government may be in throwing before the country such a subject for agitation, at such a moment—that they will find more public spirit and a better sense of the public welfare on the part of their opponents, which will prevent them from falling into the snare the noble Earl and his colleagues have offered to them. I trust that nothing will be done—I trust the House of Commons will not afford to the noble Earl and his colleagues even a chance of escaping from the difficulties of their present position. I trust that that measure, however we may deprecate and denounce the conduct of the Ministry in introducing it at such a time, may be received with the respect due to every communication authorised by the Crown, and that we, who are opponents of the Government, will not be parties to any party division separating the two sides of the House, at a time when agreement between them is most desirable, until Her Majesty's Government shall call upon us in a manner it is impossible to evade, to say aye or no to the principle of the proposed measure.

THE MARQUESS OF CLANRICARDE: My Lords, I heard an observation of great importance fall from the noble Earl at the head of the Government. I understand the noble Earl to say, that not only are we not now at war, but that he does not admit that war is inevitable. That sentiment coming from him, I wish to ask him, is he aware at this moment of any negotiation that is going on to put an end to the hostilities which are referred to in Her Majesty's Speech from the Throne, and which are popularly believed to be now raging in an important part of Europe?

**THE EARL OF ABERDEEN:** I am aware that a state of warfare exists between Russia and the Porte; but I have yet to learn that this country is at war with any Power. I say that war may, unfortunately, be too probable; but I do not say that it is inevitable; and, so long as peace remains, I will not abandon the hope of maintaining it; and, please God, no efforts shall be spared on my part to maintain it.

**THE MARQUESS OF CLANRICARDE:** Precisely; and that is the reason why I must repeat the question I have asked, and which the noble Earl has not answered; namely, is the noble Earl aware of any negotiations that are now on foot to terminate the state of warfare which is alluded to in the Speech that was delivered from the Throne in the opening of Parliament?—a Speech very different in its tone from that which the noble Earl has addressed to your Lordships to-night.

**THE EARL OF ABERDEEN:** I have no objection to answer the noble Marquess' question. The negotiations have certainly come to a close at Vienna, relating to the propositions that were last under consideration. What may ensue hereafter, I am unable to say at present, nor do I think I am now called upon to state.

**LORD BEAUMONT:** Surely, that is no answer to the question put by the noble Marquess. That question is not as to what is going on at Vienna, but its object was to ascertain whether we are now negotiating for peace or not anywhere? I understood that the negotiations were completely closed—and as we are pledged to support the Sublime Porte, and pledged to put an end to the state of affairs now existing in the Danubian Principalities; and as we have tried negotiations, and tried them too long, and found them to fail, are we not bound in honour to proceed to war? And are we not at this moment, if we are not at war, or not proceeding to war, covering ourselves with disgrace? Therefore, I think that the question which has been put, is one that ought to be answered by Her Majesty's Government, and the question is this—are any negotiations now taking place on the part of this country for preserving peace?

**THE EARL OF ABERDEEN:** There are none going on at present, and I have given that answer already to the noble Marquess.

**LORD BEAUMONT:** Then if no negotiations are going on for peace, are we to

remain satisfied with things as they are, and take no other steps to put an end to the proceedings now taking place in the Principalities? That is the question.

**EARL GRANVILLE:** I think, my Lords, that there is some irregularity in our proceedings this evening. Questions have been put without any previous notice of them having been given; and even that question of importance which has been put to the noble Earl behind me (the Earl of Aberdeen) by the noble Earl below (Earl Grey) is in its character very irregular, because it related to the order of proceeding with the business to be taken in the other House of Parliament. But when the noble Marquess is not content with making, not one speech, but two speeches in the same discussion, but goes on also to put argumentative questions, and expects immediate answers to them, I put it to the good sense of your Lordships whether it is consistent with the dignity of the House that such irregularities should continue? All that my noble Friend (the Earl of Aberdeen) has said—and I hope he is not the only person in the country who shares in the sentiment—is this, that while war has not been declared there are yet some chances of peace; and he further explicitly said, that he was not aware of any negotiations that were going on, but that there exists—as I myself sincerely hope may be the case—some slight chance of peace: from this circumstance, that in consequence of the policy pursued by Her Majesty's Government in concert with France, having resulted in a cordial co-operation between the various Powers of Europe, it was to be hoped that that cordial co-operation would be followed on the part of Russia by some departure from the violent and, I must say, imprudent course which she has taken.

**THE MARQUESS OF CLANRICARDE:** My Lords, I suppose I must consider myself to fall under the rebuke which the noble President of the Council has just administered; but I wish for myself to say that I repel that rebuke. It is not I but the noble Lord himself who is ignorant of the usages of Parliament, if he thinks it unusual, when the question of war or peace is concerned, for a Member of either House of Parliament to rise in his place after the Prime Minister has made a speech, and ask a question which immediately arises out of a gratuitous assertion which that Minister has made. I find no fault with what the noble Earl (the Earl of Aberdeen)



has said, but his remarks demanded explanation, and therefore I put my question. The noble Earl answered frankly that he knew of no negotiation now going on at Vienna, or St. Petersburg, or Constantinople, or anywhere else; and, so far, that was a clear answer; but I say that mine was a very pertinent question to put; for the noble Earl held out to us that this country is not in a state of war, and followed up that declaration by expressing his belief that war is not inevitable. There can be no doubt, therefore, that the conclusion to which any noble Lord would naturally arrive from this statement of the Minister, must be different from that to which he arrived from Her Majesty's Speech. I maintain, therefore, that I was perfectly right in putting the question I did; and so far from taking the rebuke of the President of the Council as perhaps in all humility I ought to take it, I say that I, for one, will not fail in my place in Parliament to seek for an explanation whenever a Minister of the Crown throws out hints which I think require explanation. I have always agreed that it is convenient both for the sake of eliciting a clear answer, and for every other purpose, that notice should be given of the intention to put questions; but when assertions are made themselves without notice, and questions immediately arise out of those assertions, I believe that such questions may be put; and so long as Parliament maintains its independence of the Crown and its Ministers, I hope they will continue to be put.

EARL GREY: My Lords, I also rise to protest against the rebuke which the noble President of the Council has thought proper to administer to my noble Friend behind me (Lord Beaumont), to myself, and to the House. We are told that questions such as we took the liberty to put are inconsistent with the order of our proceedings and with the dignity of your Lordships' House. Now I believe it is perfectly regular that any proceedings of the Commons House of Parliament with which we become cognisant by their printed Votes, which are laid upon our table, should be taken notice of in this House, if any noble Lord amongst us thinks it expedient for the public welfare so to take notice of them. Therefore I deny that in founding a question on a notice in the Commons Votes, as I have done this evening, I have committed any irregularity. I am not aware either that my noble Friend behind me has

been guilty of any irregularity; but I will say that I do not concur in the expediency of not pressing Her Majesty's Government for further information on this subject than they think proper to afford. I can assure the noble Earl at the head of the Government that I so entirely concur with him in his desire for the preservation of peace, that although the Russian Minister has left this country—although we have heard it reported that a part of Her Majesty's Guards are ready for embarkation—and although we may now be on the very eve of hostilities, still I have heard with the most unfeigned satisfaction that Her Majesty's Government do not despair of the maintenance of peace. Nothing shall fall from my lips in this House that might contribute in the least to their embarrassment, or might prevent their carrying on any negotiations or other measures which they may think proper to adopt, in order to avert the calamities with which we are threatened. My reasons, however, for putting my question are in no degree shaken by the answer of the noble Earl; for I believe that, from a false point of honour, and to redeem a pledge which they believe they have given, Her Majesty's Government are about wantonly and deliberately to risk the welfare, and perhaps the safety, of the country, by bringing forward at an inexpedient moment the subject of Parliamentary Reform.

House adjourned to Monday next.

## HOUSE OF COMMONS.

*Friday, February 10, 1854.*

MINUTES.] NEW MEMBER SWORN. — For Salop (Southern Division), Robert Clive, Esq.; for Ludlow, Hon. Percy Egerton Herbert.

PUBLIC BILLS.—1° South Sea Company; Settlement and Removal; Towns Improvement (Ireland); Improvement of Towns (Ireland).

### RUSSIA AND THE PORTE—MOVEMENTS OF THE FLEETS—QUESTION.

MR. F. FRENCH said, he wished to put a question to the noble Lord (Lord J. Russell) on the subject of which he had given notice. According to the report of Captain Drummond, the Russian fleet was not in Sebastopol, but in Kaffa Bay, which commanded all the coast of Circassia, as well as Batoum and Trebizond. He wished to ask the noble Lord whether the Admirals of the allied fleet had returned from Sinope to Constantinople, not having as-

certained with any certainty the position of the Russian fleet, and whether the Ambassadors of France and England had thought it necessary, under those circumstances, to send a messenger to warn the Admirals that they were dissatisfied with their return, and that they must take upon themselves the responsibility of that act?

**LORD JOHN RUSSELL:** What has happened upon the subject to which the hon. Gentleman has alluded is this:—The Admirals were desired by the English and French Ambassadors to leave Beykos Bay and go into the Black Sea. They accordingly went into the Black Sea, and stayed in the harbour of Sinope for some days. The Admiral then wrote to say that he found that it would be dangerous to remain any longer in that anchorage; and that if the two squadrons were to remain in the Black Sea for two months, it would be the way to promote any wishes that the Emperor of Russia might entertain that the British and French fleets should be disabled. He therefore thought it his duty to return to Constantinople, intending to send out steamers and screw vessels of war from time to time, in order to obtain that command of the Black Sea which, by the instructions of the British and French Governments, he was directed to acquire. I believe that, although the Ambassadors certainly required an explanation of this conduct on the part of the Admiral, that it will be found to have deserved the entire approbation of Her Majesty's Government and of the country at large.

#### COLONIAL POSTAGE—QUESTION.

**MR. HANKEY** said, he begged to ask the hon. Secretary for the Treasury whether any progress had been made towards carrying out the proposed measure for the reduction of the colonial postage to a uniform rate; and also, whether he could give the House any information as to the steps that were taking to insure a more frequent postal communication between this country and our Australian colonies?

**MR. J. WILSON** said, the two questions put by the hon. Gentleman were of great importance. With regard to the first, he had to state that the Postmaster General, in April last year, had taken steps, with the sanction of the Treasury, to obtain the concurrence of those Colonies, over whose postal arrangements he had no control, to a general arrangement of this kind. The proposed arrangement was, that there should be an uniform postage of 6d. to

*Mr. F. French*

every part of the world—one penny being paid for inland postage at home, another penny for the inland postage in the colonies, and the remaining fourpence as the ocean rate. With regard to the progress that had been made, the Postmaster General had received communications from Canada, Prince Edward's Island, and the West India Islands, except Barbadoes, all of them complying with the proposition, and steps were being taken to carry the arrangements into effect. With regard to the second question, as to arrangements for frequent postal communications with Australia, he had to state that there was at present a communication only once in two months by way of India and Singapore. The Postmaster General was now in communication with the Screw Steam Company, with a view to the carrying of the mails monthly round the Cape of Good Hope, and he hoped soon to establish a regular monthly communication by steam between this country and Australia. The Postmaster General had been able, in this case, to make a beneficial and convenient arrangement with regard to postal communications *via* the Cape. He proposed, and he believed the proposal had been accepted by the company, that they should receive threepence out of the fourpenny ocean rate for their labour, and thus the other penny would be a net profit to the Post Office, instead of their paying, as they did by the present arrangement, a larger sum than the amount of postage they received. He would also mention, that one of the conditions insisted on was, that the Post Office should be allowed to transmit any letters to Australia which the parties indicated a wish to send by any particular ship. Another condition was, that the Post Office should not be prevented from entering into any contracts with steam companies who might send their vessels by any other route, so that they would be at liberty to avail themselves of the Panama route when it was opened.

#### EMIGRATION TO AUSTRALIA— QUESTION.

**MR. MILES** begged to ask the Under Secretary of State for the Colonies whether the Act passed by the Legislature of New South Wales to regulate the inducting of assisted immigrants and others in the United Kingdom and elsewhere, and their employment in the colony for a certain time after their arrival therein, had been allowed; and if not, whether it had

been left in operation, without confirmation or disapproval; or whether the provisions of the Act were left in abeyance?

MR. PEELE said, the Act in question was to have come into operation some time ago, but it had remained in abeyance up to the present time, in consequence of there being no funds in New South Wales applicable to emigration; but very lately, the sum of 100,000*l.* had been received from that colony for the purpose of assisting to send out emigrants, and the Commissioners were endeavouring to carry on emigration upon the principle approved by that Act, namely, that emigrants should be sent to the colony, and on arriving there be required to make a money payment to defray the costs of the advance made to them, or else that they should enter into contracts of service for stated periods.

#### PARLIAMENTARY REFORM—THE GOVERNMENT MEASURES—QUESTION.

MR. J. WILSON having moved that the House, at its rising, adjourn to Monday,

VISCOUNT JOCELYN said: I have to ask the indulgence of the House while I make one or two observations preparatory to the question which I intend to put to the noble Lord the leader of this House, and of which I have given notice. The noble Lord, on Monday night—I will not say intentionally—appeared to misunderstand the object of the question which I then thought it my duty to submit to him. The question I then put to the noble Lord, and which now stands on the papers, was, whether, in the disturbed state of our foreign relations, it was the intention of the Government to recommend to the House to proceed with the measure proposed to be introduced on Monday next for amending the representation of the people of this country. I put that question to the noble Lord with no discourtesy towards him, and I received from the noble Lord a reply which I will not call discourteous, but which I may call curt. The noble Lord informed me that it was his intention to answer my question on Monday next. But the question which I put to the noble Lord was not whether it was the intention of the Government to introduce a measure on Monday next, but whether it was their intention to proceed *bonâ fide* with the Bill which they proposed to introduce. I think I had some justification in putting that question to the noble Lord, for, if I look at the incidents connected with the Reform Bill introduced by the noble Lord in 1851,

and the treatment which that measure received from the noble Lord; or, if I look to the Education Bill of last year, which met with a similar fate at the hands of its cruel originator—these and other instances which I might mention afford me full justification in putting such a question as this. But my real justification for putting this question is, the present state of our foreign relations; for, though but a humble Member of this House, I agree with others whose opinions are of great weight, and who do not think that this is a moment to consider with great calmness a question of this nature, involving the extension of the franchise in this country, but that it is a moment when a wise Government would rather endeavour to rally around it the sympathy and support of all parties in this House to enable it to carry out with energy and vigour this war, upon which, I fear, we are unfortunately on the point of being involved. These opinions are held by men whose liberal views cannot be doubted, and among others I may allude to one who was once an ornament to this House, and who now sits in another place—I mean the noble Lord the son of the father of the Reform Bill of 1832 (Earl Grey). This, then, is my justification in putting the question to the noble Lord. I would ask the noble Lord whether this is not a moment when we should show to Europe at large that we are united—that the House of Commons is of one feeling and of one mind, and that there should not be thrown down before us a question that will necessarily give rise to differences of opinion—a question which, if we are to place any dependence on rumour, has not been brought this length without difficulties and differences even in the Cabinet. Then, I ask the noble Lord—and I trust the noble Lord will not think I am asking too much, or attempt to put me off with a bad joke—whether it is the intention of Her Majesty's Government *bonâ fide* to proceed with the measure, of which notice has been given for Monday next?

LORD JOHN RUSSELL: Sir, The question of the noble Lord is certainly somewhat different from that which I understood him to ask without giving me previous notice a few evenings ago—namely, whether I intended to propose on Monday next to ask leave to bring in a Bill on the subject of Parliamentary Reform. The noble Lord has now put on the paper a question of a different purport—namely, whether we intend to proceed with that Bill? My answer to that question, with-

out going into any reasoning on the subject, is that I intend to ask for leave on Monday to bring in a Bill to amend the representation of the people in England and Wales, and, if I should be successful in obtaining leave to bring in that Bill, I propose to proceed on the 13th of March with the second reading, so that there may be no interruption whatever to the question of the Naval and Military Estimates which must come before the House. I certainly do not anticipate that there will be any reason why, when that period comes, we should not proceed with the measure. I need not enter into any discussion on the subject now. I gave some reasons on the first night of the Session, and will be ready, when the time comes, to state my views upon the subject. At present I will only say, that I see no reason why we should not on Monday introduce the Bill, and proceed with it in the manner I have described.

MR. HUME said, he wished to make only one observation. The noble Lord (Viscount Jocelyn) had alluded only to the House of Commons; but the question was, what did the people of this country expect from the Government? The noble Lord spoke as if the House of Commons were the only parties who were entitled to be considered in this matter. He would say that if ever there was a time when the Government should endeavour to rally the people round them by giving a measure of reform, the present was the time. The Ministers ought to bring within the pale of the constitution the greatest possible number, in order to obtain their support. The House of Commons was nothing without the support of the people; and, therefore, if the people were not fully represented in that House, it was an act of policy on the part of the Government to provide that they should be so. The Government could not draw back from the pledges they had given, and he hoped the remarks of the noble Lord would induce the Government to be more determined and to bring in a large and comprehensive measure of reform.

MR. DISRAELI: Sir, it may be convenient to the House, if I take the opportunity which this conversation allows me, to state the course which the Gentlemen with whom I have the honour to act, on this side of the House, propose to take on Monday next. With regard to a large measure of Parliamentary reform, if that measure be, as I fear from the speeches of

*Lord John Russell*

the supporters of the Government it will be, a measure the object of which is to reduce the interest which the land already possesses in the representation of this House—an influence which, I think, has been already unjustly and unwisely diminished—I say if the large measure of Parliamentary reform about to be brought forward is of that nature, to that measure we shall offer an uncompromising opposition. We should oppose such a measure, if brought forward, on its merits, and also we should oppose it as brought forward at a season which we think very inopportune for a measure of that description. We think that a moment like the present, when the entire attention of the country should be absorbed and all its energies devoted to the consideration of our external relations, is not one in which a domestic agitation should be encouraged, nor one in which the energies of the country should be diverted from the perilous condition of our external affairs. I cannot help saying that I think the course of the Ministry, which may bring about such a result, is a reckless course, and we will not unnecessarily share in that recklessness; but, because we will not in any way divert the attention and the energies of the country from the consideration of the position of our foreign relations, we do not intend on Monday next to offer any resistance to the Motion of the noble Lord for leave to bring in his Bill. Such an opposition might protract the debate at a moment when the attention of this House ought to be solely devoted to the consideration of the means by which an impending war may be carried on most efficiently and with ultimate honour to the country. But, if on this 13th of March—that is now announced to us as the day on which the second reading of that Bill comes on—if, when that interval has elapsed, the noble Lord has not seen occasion to come forward and confess the error of his ways—if the noble Lord then asks us to consent to the second reading of a Bill for the reform of the House of Commons, of course there can be no further reserve on our part—we must give to such a proposition all the attention which it demands, we must enter into a consideration of the merits of the question; and if the country be agitated, if the attention of the House be diverted from the important subjects that ought to engross their consideration, then on the noble Lord must rest the responsibility of bringing forward a measure of such a description and at such a period.



MR. BRIGHT said, the right hon. Gentlemen assumed that the country was at war. [*Laughter.*] Gentlemen might make light of that, and think that some party success might come out of it; but he could not congratulate them on such a frame of mind. They had had no intimation from the Government that such a calamity had actually occurred, and it was quite notorious to the House that there were men as well informed as any in this country could be of what was passing who had not yet given up hope that such an evil might be avoided. At any rate, even if the occurrence of war could be a justification for the Government withdrawing from their repeated pledges upon this question, still until war had taken place, or was absolutely and clearly inevitable, he thought it would be as wise not to make that an argument against a course which must otherwise be pursued. The right hon. Gentleman had spoken of a reckless Administration. This was a term he had heard frequently used across the table; and a year ago, or rather more, Gentlemen sitting on his side had used these words, or others very like them, in speaking of the Government of the right hon. Gentleman. He believed that if the right hon. Gentleman and his Friends were now in office, they would be doing, as he believed the present Government to be doing, all they could for the purpose of preserving the country from the calamities of war. In the course which the Government were taking with regard to the reform question, he had no doubt that in proposing to redeem their oft-repeated pledges, they were acting in accordance with the opinions of a great majority of the people of that House. The right hon. Gentleman, who now protested against agitating the country, upon a question of internal policy, had himself been the great disturber of the country in agitating for a policy now admitted by himself to be mistaken. During the last seven years, and for some months previous to the meeting of Parliament, until a certain great delusion was exploded, it used to be the habit of Gentlemen opposite to agitate and disturb the country on a question a thousand times more dangerous than any which could come out of this reform measure. He considered it would be a grand spectacle to the world if we could show that whilst the country was in circumstances, if not of difficulty, yet of a state verging to war, its institutions were so solid that it was possible for the Government to pro-

pose, and for Parliament to consider, a measure which was not to restrict the rights of the people, or to increase military force in order to keep them down, but to extend the freedom and franchise of the community. He could scarcely conceive, amid such calamities as those of war, a more noble spectacle offered to the nations of the world. Gentlemen opposite were not the best advisers of Government on this question. He did not know that the noble Lord the Member for King's Lynn (Viscount Jocelyn) was particularly known as a reformer. He did not know what the particular opinion of the noble Lord the Member for King's Lynn might be upon this subject, for the noble Lord's opinions were generally of a floating and unsettled character on most subjects; but of this he was quite certain, that if a Reform Bill to the same effect as that about to be introduced by the noble Lord the Member for London was left to the tender mercies of the majority of Gentlemen opposite, it would be several Sessions, and several Parliaments, before they would give the country the benefit of any such measure. Let the Bill to be introduced by the noble Lord the Member for London be just and impartial, and let it fearlessly strike at the root of the evil which at present prevailed, and, although it might not go quite so far as many Members of that House might wish, yet, as far as it did go, he felt assured that the noble Lord would receive ample support, both in that House and from the country, to enable him to prosecute his efforts with success.

LORD JOHN MANNERS said, he was satisfied that a very little reflection would show the hon. Member who had just sat down, that the party with which he (Lord J. Manners) had the honour to act were influenced in the course which they were about to take by no such motives as had been ascribed to them. If they were anxious to seize upon an occasion for party purposes, he believed that no occasion could offer itself more favourable than the present. He was not surprised that the hon. Gentleman should, on this occasion, have stood forward as the apologist and approver of the course which Her Majesty's Government intended to take with reference to the Reform Bill—whether his marked approbation would conciliate support to their policy throughout the country remained to be seen; but he was not in the least surprised that the hon. Gentleman should come forward to stamp with

his approbation any course that would divide the councils of the State, or that would prevent the Government and the people devoting their energies uninterruptedly to the prosecution of the great struggle which no one could now doubt was imminent. The hon. Gentleman and his Friends, no doubt, desired to see the people intent on internal divisions and strife rather than on a vigorous external policy, which would throw their strength into the conduct of the operations which would be required for that war in which it was but too probable that this country would soon be involved. That was the question in which the English people now felt the deepest interest; while if he were to judge from the number of petitions which had been presented in connexion with the new Reform Bill, no considerable degree of anxiety was manifested in its regard. In fact, it was remarkable that not a single petition had been presented in favour of this Reform Bill; and the hon. Member for Manchester could tell them, that, so far from the public voice being with him on this question, the hon. Member and his friends were no longer able to meet in vast pavilions or crowded halls, but were obliged to restrict their demonstrations to tea parties and to seek the shelter of a tavern parlour to pour their sorrows into the ears of the faithful few, to the exclusion of the once deluded but now undeceived many. His noble Friend (Viscount Jocelyn), who asked the question, had justly remarked that there were antecedents in the course of the noble Lord which might well make them doubt whether it was the intention of Government to persevere with this measure. The noble Lord only three years ago proposed a Reform Bill, which, at least, enabled him to make a great speech; that measure fell, not by a hostile division, but by the laches of its framer. So also with his measure on education. He trusted that the noble Lord would yet be persuaded to reconsider his decision, which could only be regarded as a delusive bait to a section of the people with which the noble Lord and his Friends wished to curry favour. At all events, the party with which he (Lord J. Manners) was connected would have the satisfaction of knowing that they were not responsible for the course which the noble Lord seemed resolved to pursue, and that they had protested against it as calculated to prove injurious to the best interests of the coun-

*Lord John Manners*

*Motion agreed to; House at its rising to adjourn till Monday next.*

#### BRIBERY, ETC., AT ELECTIONS.

LORD JOHN RUSSELL: I rise, Sir, to ask for leave to bring in two Bills on the important subjects of bribery and treating, and the trial of contested elections, of which I have given notice. It must be admitted on all sides that the corrupt practices which have prevailed of late at elections, have involved all parties concerned in them in disgrace, and have also tended materially to compromise the character of this House. The right hon. Gentleman whom I see opposite (Mr. Walpole) last year proposed to consolidate the laws on the subject of bribery, and I have derived great advantage from being able to study the proposals which he made on this subject. In explaining the course which I intend to pursue, I have first of all to remark that it is a very difficult task for the Legislature effectually to arrest the progress of bribery. With respect to that class of offences in which any person is directly concerned—such as assault or robbery—you have an individual who is interested, or who is at least impelled by his feelings to seek for redress, and upon whose assistance you may rely in carrying into effect the object and intent of the law. But with respect to other offences, such as that of smuggling, for instance, all the parties engaged in the offence have an interest in concealing the acts of which they are guilty. The person who sells the goods, the smuggler who conveys them across the water, and the customer who buys them, are all participators in the crime, and are all desirous of concealing the offence which they have committed. It is very much the same with respect to bribery. The candidate who engages in bribery, the party whom he employs as an agent, and the persons who receive the bribe, may all attain the object of their wishes, in the seat in Parliament, in the profit they receive, in the money which the voter obtains, and all are thus interested in concealing the bribery. I am happy, however, to say that, with respect to this subject we certainly may consider that we have made considerable progress in the last few years. The Acts which were passed to transfer the investigation of corrupt practices, where they extensively prevailed, from the Committees of this House to the places themselves where the offence was committed, and those Acts

of Parliament by which the persons chiefly concerned—the candidates and their agents, and the persons who have received bribes—are all forced to attend and give evidence; these Acts, I say, have thrown a light upon the corrupt practices which prevailed, at least in certain boroughs, which never was obtained before. I should say, likewise, that before Committees of this House there have been greater facilities in obtaining evidence with respect to bribery than existed until within the last few years. Sir, in laying my proposals before the House, I should perhaps state first what is the general nature of the Statutes which have been enacted upon this subject. The Act of the 7 Will. III. is directed against persons who have received any money, or who give any money, or who give or receive food, drink, and entertainment, and it disqualifies the persons who are guilty of those offences. By the Statute of the 2 Geo. II. any voter asking or taking money to give his vote, or to refrain from giving his vote, is liable to a penalty of 500*l.*, and is for ever disabled from the exercise of the franchise, and the person bribing is disqualified from being elected. An Act which passed in the 49th year of Geo. III. inflicts various high penalties on persons who endeavour by improper means to procure a seat in Parliament, and who offer any gift or promise, any reward or office, to persons who assist in procuring such seat. The pecuniary penalties involved are very high—1,000*l.* for one offence, and 500*l.* for another, that of receiving any office so given. Now, Sir, in proposing to amend these laws, I should say that generally I leave the offence of bribery as subject to the punishment of a misdemeanour—that of fine and imprisonment—but do not propose to keep up these high pecuniary penalties. I believe the right hon. Gentleman opposite (Mr. Walpole) took the same view with respect to these high penalties, and agreed with me in thinking that the attempt to inflict a fine of 500*l.* upon a poor voter who perhaps receives some five shillings for his vote, would be utterly impracticable, and that no object would be gained by retaining these penalties. After proceeding to define the offence of bribery nearly according to the manner in which it is at present defined, with the addition of some offences which I think have been omitted, I propose to define the offence of treating, and to deal with it nearly in the same manner in which it is at present defined by law. I

then propose to define the offence of undue influence, and I will read to the House the clause which I shall propose, in case the House should allow this Bill to be brought in. The clause is in these words:—

“Every person who shall, by himself or by any other person on his behalf, make use of, or threaten to make use of, any force, violence, or restraint, or shall inflict or threaten to inflict any injury, harm, or loss, or in any other manner exercise intimidation towards any person on account of the manner of giving his votes, or in order to induce or compel such person to vote, or refrain from voting, shall be deemed to have committed the offence of undue influence, and to have incurred — penalty, [say of 50*l.*] together with full costs, to be awarded to any person who shall sue for the same.”

The right hon. Gentleman opposite, the Member for Buckinghamshire (Mr. Disraeli), on a former night asked if I had considered that subject. I had already at that time given directions to have the clause drawn which I have now read to the House. Having thus defined these offences, the mode in which I propose to check these practices, besides the one which I have already mentioned—that of misdemeanour, which is enforced as the law now stands for bribery—consists rather in debarring persons who aim to be elected by bribery, treating, and corrupt practices, from obtaining their object, than by the infliction of any very severe penalties. I think you are far more likely to attain your end by depriving such persons of the object at which they aim, than by the infliction of penalties which may perhaps never be enforced. I should propose, therefore, to deprive the candidate of the seat in Parliament, of which he is ambitious, and to deprive the voter of that vote of which he has made a corrupt use. I should propose, then, that persons guilty of bribery should be for ever incapable of being elected Members of Parliament; and that persons guilty of treating, or exercising undue influence, or making illegal payments, should be incapable of electing any Member for the same place and during the same Parliament. This is the penalty which now attaches by Statute to the offence of treating. I then propose that when there are any convictions for bribery and treating, a copy of these convictions should be sent to the Speaker and entered into the book of Parliamentary and election disqualifications. I propose, likewise, with regard to those electors who are guilty of bribery, that their names should be struck out of the register of voters, and,

as I believe I once mentioned to the right hon. Gentleman (Mr. Walpole) in conversation last year, that their names should not totally disappear from the register, but that there should be a separate list of names of persons disqualified for having received bribes, and that those names should be printed and publicly affixed in the same manner as those in the register of voters, so that they might for ever after appear as disqualified for the offence I have mentioned. I do not wish to go much into details with respect to these Bills, and therefore I will not go into various other provisions of the Bill to consolidate and amend the law with regard to bribery, treating, and undue influence. But the second Bill which I propose to bring in, and which I may as well explain at the present moment, is one of very great importance, the provisions of which are perhaps more susceptible of doubt and hesitation than those I have mentioned, but which, according to the view I entertain upon them, may be of considerable use in checking these debasing and degrading practices. I have frequently stated to this House (and it is an opinion to which I think all the Members of this House generally assent) that it is a great omission, at least in the spirit of our laws with respect to election petitions, that where a case is one of the highest public interest it is made one entirely of private concern; and thus candidates who have once by the most corrupt means obtained their return are very often, instead of being disqualified and rejected from this House, rendered secure in their seats by the inability of those who have opposed them to stand the litigation, the delay, and the very heavy expenses which must attend upon an application to this House for a Committee to try the validity of the return. Now, Sir, I do not find it easy to remedy that evil, because the House, I am sure, will at once agree with me, that while we ought to take care that there shall be investigation into such cases, we ought not to encourage or give any countenance to frivolous petitions. What I propose is this—That, with regard to petitions which state that bribery, treating, corrupt practices, or undue influence have been used and have procured the return of the sitting Members, all such petitions should, according to the Bill I propose, be sent to a preliminary Committee, which Committee should be in the nature of a grand jury. This preliminary Committee would consist of fifteen Members,

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to be chosen by the General Committee of Elections. They would hear the evidence on the part of the petitioners to prove the existence of malpractices. If they were satisfied that there was a sufficient case to proceed to an Election Committee, they would so report to the House, and an Election Committee would be appointed in the ordinary course. In proposing to consolidate this law, I do not mean to alter the general provisions. The Election Committee would then investigate the case, and, supposing they should find that the petitioner had proceeded with probable grounds, I should then propose that the cost should be defrayed at the public expense. If, on the contrary, they should find there was no ground, then the petitioner would be obliged to pay the expenses of the sitting Member whose seat was attacked. Sir, I think that by this method we should hold out some inducement to those who now in despair give up the prosecution of petitions to bring cases before the House where very flagrant bribery has occurred. No one who has watched the course of general elections can but be aware that, while there are a number of cases brought to trial, in certain cases where the candidate is rich, or where he thinks it worth his while to attempt to establish a permanent influence in the place, petitioning is carried on to its utmost result, and very great expenses are incurred; and that there are other cases in which bribery has been quite as flagrant, if not more so, in which there has been no investigation before this House, and no inquiry has taken place. But, Sir, beyond this proposal there is another method which I have in view, and which I once suggested before in another form, but which now in its amended shape may, I think, be entertained by the House. I mention these and other provisions, however, only as plans which I have endeavoured to form with the view to check these practices—not as plans which it is certain ought to be adopted by this House without very grave consideration. I propose, where it is declared by a candidate that he has reason to suppose that bribery and corrupt practices were used during the election, that in this case, if the numbers which he shall obtain at the poll amount to two-thirds of the number which the successful candidate shall obtain, and the successful candidate shall be proved to have been elected by means of bribery—in that case the Election Committee shall have power to return the candidate who peti-



tions to Parliament as the elected Member. I once proposed, but without this limitation of two-thirds, that in such a case the course I have now indicated should be taken. It is a mode of giving at least some inducement to persons to petition this House in case they have been rejected, and at the same time have had the majority of legal and unbribed votes at the election. There is another proposal I have to make, which is an alteration—not a very great alteration—in the law as it at present exists, in consequence of Bills which have been introduced in former years. I propose, where the Election Committee shall report that bribery extensively prevailed in any borough, that then, without any Address from this House and the other House of Parliament, the Speaker shall communicate that Report to the Secretary of State for the Home Department; that that Report shall be laid before the Crown; and that the Crown shall thereupon have power to issue a Commission, in the same manner in which Commissions have been lately issued. I propose, likewise, to alter the manner in which Commissioners have been appointed. Hitherto these Commissioners have been nominated by the House, with a view to prevent jealousy as to the exercise of undue influence on the part of the Crown. But I cannot help thinking that the dispersion among so large a number of the responsibility of naming these Commissioners, tends a great deal to prevent that due selection of persons which is necessary. I therefore propose, restricting the choice in England to revising barristers, or persons who have been nominated by the Judges in some former year to the office of revising barrister, to give the Crown the power of nominating these Commissioners. I believe that the Minister, the Secretary of State for the Home Department, acting under a sense of responsibility, is much more likely to make good appointments than can be made by this House in its collective capacity. There are various other provisions in the Bill with respect to the law of petitions, which are alterations of the present law of considerable importance, but which are too much matters of detail to make it necessary for me to enter into them now. But there is one very considerable alteration which, if I am allowed to bring in a Bill to consolidate the present law, we propose to make with respect to Election Committees. I have been always very much opposed to withdrawing the power of judg-

ing of the persons elected to sit in this House from the House itself; but I think the law has been so much improved in that respect, and especially by the amendments introduced into it by the late Sir Robert Peel, that at least there is not any well-founded complaint at the present time of there being any party or corrupt influence in the decisions of Election Committees. I do think, however, there is still some reason to complain of the want of uniformity of decision, and of the want of that legal knowledge which would enable the Committees to decide in each case according to the known principles of law. In order to obtain that advantage, I propose that upon a dissolution of Parliament the Crown shall appoint ten barristers of ten years' standing to be assessors, for the purpose of being appointed to act in the capacity of assessors to Election Committees; that in every subsequent year one person shall be so appointed, which, probably, will be quite enough for this purpose; and that the General Committee of Elections, in nominating the Election Committee, shall at the same time name the particular assessor who shall attend that Committee. I propose to repeal the provision, of which I was myself the original author, that there should be a separate chairman's panel, and now I propose that the General Committee of Elections shall choose the whole Committee. In that way, and with the assistance of assessors, I think there would be a far greater uniformity of decision than there has hitherto been. With respect to prosecutions for bribery, I likewise propose, when a Committee has reported that any persons have been guilty of bribery, that, upon communication to the Speaker of the fact of such report, the Attorney General should at once prosecute the persons so reported as having committed this offence. I think it is desirable as far as possible to remove these questions from discussion and debate in this House, when we once have appointed a tribunal which is reputed efficient, and which has come to a decision upon the subject. These, Sir, are the general provisions which I propose to introduce in these Bills; but the House will have a far better view of them when they have seen the Bills and consulted their provisions. I can only say, for my part, that I shall be quite ready, when the discussion of them comes on, to listen to any suggestions which can arise, because I believe that the great majority of this House think

that the time is come when we ought to endeavour, as far as possible, effectually to prevent and check these degrading practices; and if we succeed in that object, we shall succeed, likewise, in raising the character of this House. The noble Lord then moved for leave to bring in a Bill to consolidate and amend the Laws relating to Bribery, Treating, and undue influence at Elections of Members of Parliament.

MR. MILNER GIBSON said, he should not presume to go into the details of the two measures now submitted to the House, but there were two points which had caught his attention in the course of the noble Lord's address, upon which he wished to offer a few observations. The first related to the question of bribery. The noble Lord—so far as he understood—proposed that if a sitting Member should be deprived of his seat in consequence of his having carried on bribery at the election, or of his agents having carried it on for him, the Committee should have the power to seat the opposing candidate in every case where he had obtained two-thirds of the number of the votes of the sitting Member. Now, he very much doubted whether that could be called an entirely constitutional mode of election, because he considered the fact of a sitting Member losing his seat for bribery was no proof that the candidate opposed to him had a majority of the votes of the electors, and it was only on the ground that a person had a majority of the votes of the electors in favour of him that he could be entitled to sit in Parliament. He feared it would be extremely difficult to say that because A had been unseated for bribery, B therefore had a majority of the votes of the electors. He thought, also, that considerable difficulty would arise with regard to the clause which attempted to define what was to be called "undue influence." Why, they all knew that sometimes a look or a frown was sufficient to influence a voter. It was perfectly impossible to define in the clause of an Act of Parliament what was undue influence, and the attempt would lead only to litigation of a very disagreeable character, without any successful result. Upon the question of undue influence and litigation he would refer the Government to the opinion of the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), who had laid it down most forcibly, that it was impossible to find any statutory remedy for intimidation, and that there was only one mode of meeting the evil, and that was to

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adopt vote by ballot. He would also refer the noble Lord most confidently on this question to the right hon. Gentleman the Member for Southwark (Sir W. Molesworth), his colleague in the Cabinet—and he was sure that that right hon. Gentleman must be of opinion that all attempts to deal with undue influence by the mere penalties in an Act of Parliament would be unsuccessful. He was glad, however, to find that efforts were to be made this Session to put down bribery. The hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly)—the county in which he (Mr. Gibson) resided—who, therefore, represented him in Parliament—had given notice of a Bill to put down bribery; and with the great legal knowledge of that hon. and learned Gentleman employed on it, he was sure that the subject would be discussed with considerable advantage. Bribery, perhaps, was more capable of being dealt with by legislation than intimidation; but still he had great doubts whether the real remedy for the whole mass of these evils was not to be found in vote by ballot.

SIR FITZROY KELLY said, that the existence of bribery and corrupt practices at elections was so clear and undeniable that he considered the country ought to be grateful to the noble Lord for having devoted his attention to this important subject. It would be easily supposed that he did not offer any opposition to the plan now propounded; on the contrary, he was rather desirous to assure the noble Lord, on his own behalf and on that of those around him, that every assistance would be given to the measures now proposed. He wished, however, to suggest to the House, even upon this early opportunity, some difficulties and objections which must have occurred to the noble Lord himself in relation to some parts of the plan which he had submitted to them. He agreed with the noble Lord that it was quite useless to add to the penalties by which the commission of bribery was now followed, either with respect to the voter or the candidate. They had seen that imprisonment, unlimited except by the discretion or mercy of the Judge, heavy pecuniary penalties, disfranchisement, disqualification to hold office, to vote or to sit in Parliament, and even the punishment of transportation where perjury had accompanied bribery, had been all inadequate to repress the offence; for they had found that the bribery and every species of corruption which prevailed at

experience of Election Committees, he honestly believed there had never been an improper feeling on the part of any Committee in conducting the duties entrusted to it, and if any error had been made, it had always been upon a point of law. With regard to the offence of treating at elections, the evidence generally given before Election Committees came principally from the landlords and barmaids of public-houses. An election now only occupied two days—one for the nomination, and the other for the election; and he would suggest for the consideration of the noble Lord the Member for London, whether the treating usually accompanying an election, and the attendant rioting, drunkenness, and dissipation, might not be prevented to a considerable extent if the public-houses and beershops were closed upon the two days of nomination and election.

MR. H. BERKELEY said, that he could not avoid thanking the noble Lord the Member for the City of London whenever he saw him taking the least progressive step towards reform, but was sorry to see that the strides of the noble Lord were so extremely scanty. In dealing with this question of the malversation of the franchise, it appeared to him extraordinary that the noble Lord, with his great intellect and his natural acuteness, could venture in the face of the intimidation constantly going on, to confine himself in the measure which he had brought before the House to merely physical intimidation. When the noble Lord talked of making punishable acts of violence, did he think that there was no other species of intimidation? Did not the noble Lord recollect the intimidation of landlords over their tenantry, and of customers over their tradesmen? and could he venture, after the proofs which had been laid before the House of this species of tyranny, to come forward with a remedy of so trivial a nature as that which he offered in his Bill? The noble Lord appeared to him to consider intimidation to be a constitutional proceeding, and to set his face against any attempt to put it down. The noble Lord had been three or four times upon the very brink of that measure which he (Mr. Berkeley) had so often advocated in the House; but he appeared to be afraid of stepping forward, and never lost the occasion of drawing back whenever circumstances would allow him. He was fully convinced that for intimidation there could

be but one remedy, and that was by giving the voter the protection of secrecy at the polling booth. Intimidation could never be completely put down or eradicated, but a great deal might be done to diminish its extent and efficiency. No person who had studied the proceedings before the Election Committees of the last Session could fail to be struck with the circumstance that no person was proved to have received a bribe until after he had voted. The men who bribed would never trust those who were bribed. A stronger proof could not be afforded of the necessity which existed, in order to put an end to bribery, of taking away the means of knowing in what way the vote was given. In the course of the discussion which would take place upon the Reform Bill of the noble Lord, he would take occasion once again to lay before the House the question of the ballot. He felt convinced that the ballot was a measure of time—he knew it was a measure of justice, and felt certain that the day would arrive—it might not be in his time—when the people of this country would be only astonished that such an act of justice should have been so long denied.

MR. PHINN said, he thought both sides of the House would admit that the noble Lord the Member for London was entitled to their greatest thanks for his present steps, limited though they might be, to put down bribery at elections. He would call the attention of the noble Lord to one or two topics which he had, and to one or two topics which he had not, adverted to in his address to the House that evening. The noble Lord, he regretted, had not proposed to allow an Election Committee to go into proof of treating without discussing the question of agency first. The want of power to deal in that mode with charges of treating, very often paralysed the action of Election Committees. A measure of that kind was once carried, he believed, in that, but rejected by the other House of Parliament. He trusted, therefore, that the noble Lord would embody it in his proposed Bill. With regard, however, to the question of intimidation, he trusted that the noble Lord would reconsider the determination he had come to, and make intimidation an indictable offence. If it could be proved that any persons leagued and conspired together—he cared not whether by religious or any other sort of influence to be brought upon a voter—such a proceeding he held to be a crime and a misdemeanour, which ought to be severely

ed would consent to screen himself under such a mean cloak; he certainly would not thank such a man for his vote. He regretted to find that that side of the House intended to allow the Bill to be brought in without opposition. His motto was *Principiis obsta*, and he thought that the best thing would have been to throw it out at once. He hoped the Bills would all end in smoke, and he believed they would. As for the occupants of the Treasury bench, he protested against their paltry, disreputable mode of evading the more important question of our foreign relations; and he looked upon their conduct as an act of political cowardice which rendered them unfit to hold office, and unworthy to draw the public money, which might be far more profitably expended than when applied to their support.

MR. HUME said, he thought the House and the country were greatly indebted to any man who brought forward a measure to put down bribery and corruption at elections, because the value of that House consisted in a thorough conviction on the part of the people that it was a true representation of the whole country. No man in the House had made more efforts in this direction than the noble Lord (Lord J. Russell), and he hoped that he would profit by the experience of former attempts. There were two points to which he wished to call attention. He held that, in cases where pecuniary payments were made in the way of bribery, unless the agent acting on behalf of the candidate for whom the money was paid was punished, the principle the House was anxious to lay down would continue to be violated. He therefore approved that clause in the Bill of the noble Lord by which it was proposed to punish any man employed as an agent, who should be proved to be guilty of bribery. He also believed that it would tend to remedy the evil if a court could be established with summary jurisdiction, where offenders might be dealt with instantly, and he thought the punishment inflicted should be to deprive a person convicted of any voice in the election of Parliamentary representatives for a period of ten or twelve years. The proposition of the noble Lord to select gentlemen from among the revising barristers to act as Commissioners, was, in his opinion, weak and unsatisfactory. The revising barristers were generally young and inexperienced men, with little or no practice, and it would be improper to place them in the situation of

Col. Sibthorp

judges of most vital and important questions. He submitted, also, that if it was desirable to appoint assessors, they should be men of experience and acknowledged ability, as he believed that would be the best means of promoting a uniformity in the decisions arrived at by the assessors. With regard, however, to bribery by pecuniary payments, he held that no measure could be adopted which would so effectually put an end to it as extending the number of voters and granting the protection of the vote by ballot. The noble Lord the Member for London had introduced most of the great and important measures tending to a reform of the representation of the country since he (Mr. Hume) had been a Member of the House, and he appealed to the noble Lord now to add a crowning triumph to his Parliamentary career by giving the country an opportunity of fairly trying the vote by ballot. He would suggest to the noble Lord the propriety of introducing a clause into the proposed Bill to enable the constituency to make a fair trial of the vote by ballot, providing two-thirds of the electors of such constituency requested a trial to be made. By pursuing such a course the House would have an opportunity of seeing how the vote by ballot would act, and the result of the experience thus gained would enable the House to decide finally upon the question hereafter. He himself had great confidence that the vote by ballot would be found far preferable to the complicated and expensive proceedings proposed by the noble Lord. By his experience, as the oldest Member of that House, he warned the noble Lord that the proceedings proposed to be taken would prove delusive, and that they would not procure the benefits desired by the country—namely, an honest, fair, and independent representation of the people.

MR. PACKE said, he perfectly coincided with the noble Lord the Member for London that it was the duty of that House to endeavour to put an end to the monstrous evils which the Election Committees of last Session had brought to light. Difficult questions of law frequently arose during the inquiries of those Committees, and he thought that the noble Lord's proposition to introduce assessors into them would greatly improve their construction; but he was opposed to the adoption of a principle by which the duties now entrusted to Election Committees would be entirely taken out of that House. From his



experience of Election Committees, he honestly believed there had never been an improper feeling on the part of any Committee in conducting the duties entrusted to it, and if any error had been made, it had always been upon a point of law. With regard to the offence of treating at elections, the evidence generally given before Election Committees came principally from the landlords and barmaids of public-houses. An election now only occupied two days—one for the nomination, and the other for the election; and he would suggest for the consideration of the noble Lord the Member for London, whether the treating usually accompanying an election, and the attendant rioting, drunkenness, and dissipation, might not be prevented to a considerable extent if the public-houses and beershops were closed upon the two days of nomination and election.

MR. H. BERKELEY said, that he could not avoid thanking the noble Lord the Member for the City of London whenever he saw him taking the least progressive step towards reform, but was sorry to see that the strides of the noble Lord were so extremely scanty. In dealing with this question of the malversation of the franchise, it appeared to him extraordinary that the noble Lord, with his great intellect and his natural acuteness, could venture in the face of the intimidation constantly going on, to confine himself in the measure which he had brought before the House to merely physical intimidation. When the noble Lord talked of making punishable acts of violence, did he think that there was no other species of intimidation? Did not the noble Lord recollect the intimidation of landlords over their tenantry, and of customers over their tradesmen? and could he venture, after the proofs which had been laid before the House of this species of tyranny, to come forward with a remedy of so trivial a nature as that which he offered in his Bill? The noble Lord appeared to him to consider intimidation to be a constitutional proceeding, and to set his face against any attempt to put it down. The noble Lord had been three or four times upon the very brink of that measure which he (Mr. Berkeley) had so often advocated in the House; but he appeared to be afraid of stepping forward, and never lost the occasion of drawing back whenever circumstances would allow him. He was fully convinced that for intimidation there could

be but one remedy, and that was by giving the voter the protection of secrecy at the polling booth. Intimidation could never be completely put down or eradicated, but a great deal might be done to diminish its extent and efficiency. No person who had studied the proceedings before the Election Committees of the last Session could fail to be struck with the circumstance that no person was proved to have received a bribe until after he had voted. The men who bribed would never trust those who were bribed. A stronger proof could not be afforded of the necessity which existed, in order to put an end to bribery, of taking away the means of knowing in what way the vote was given. In the course of the discussion which would take place upon the Reform Bill of the noble Lord, he would take occasion once again to lay before the House the question of the ballot. He felt convinced that the ballot was a measure of time—he knew it was a measure of justice, and felt certain that the day would arrive—it might not be in his time—when the people of this country would be only astonished that such an act of justice should have been so long denied.

MR. PHINN said, he thought both sides of the House would admit that the noble Lord the Member for London was entitled to their greatest thanks for his present steps, limited though they might be, to put down bribery at elections. He would call the attention of the noble Lord to one or two topics which he had, and to one or two topics which he had not, adverted to in his address to the House that evening. The noble Lord, he regretted, had not proposed to allow an Election Committee to go into proof of treating without discussing the question of agency first. The want of power to deal in that mode with charges of treating, very often paralysed the action of Election Committees. A measure of that kind was once carried, he believed, in that, but rejected by the other House of Parliament. He trusted, therefore, that the noble Lord would embody it in his proposed Bill. With regard, however, to the question of intimidation, he trusted that the noble Lord would reconsider the determination he had come to, and make intimidation an indictable offence. If it could be proved that any persons leagued and conspired together—he cared not whether by religious or any other sort of influence to be brought upon a voter—such a proceeding he held to be a crime and a misdemeanour, which ought to be severely

punished by the law, not by pecuniary fine, but by bodily imprisonment. Such an offence ought to be dealt with more severely than bribery, for he believed that intimidation had a greater tendency than bribery to degrade a man; because the man who received a bribe gave his vote voluntarily, but in that of intimidation it was given compulsorily, and with rancorous feelings against the intimidator, which were most prejudicial to the interests of society. As one means of preventing intimidation, he hoped that the noble Lord would consent to the introduction of a clause in his proposed Bill which would prohibit the publication of the polling books until six or twelve months after the heat of party contests at elections had passed away. Some of his own constituents had informed him that their customers resorted to the polling books after the elections for the purpose of ascertaining how their tradesmen voted, and punishing them for voting contrary to their, the customers', political creed, by withdrawing their custom from them. Now, the withholding of the records of the votes at elections for a considerable time after the elections, might go a great way towards putting an end to that kind of secret intimidation. With regard to the second Bill of the noble Lord, he apprehended that the proposed introduction of a *quasi* grand jury system, as a preliminary to inquiry by Committees into charges of corruption at elections, would be a great impediment to public justice. It was a matter which required a most careful consideration before it should be adopted. Every one who had had experience on Election Committees must know that if there were to be *ex parte* secret tribunals to ascertain whether or not a trial should take place, the Committee would be deprived of the advantage of having reluctant witnesses subjected to cross-examination by counsel. He believed that the result of the noble Lord's proposition in that respect would be a most cumbrous innovation—that it would be a practical disservice instead of an advantage. But there was one most important omission in the noble Lord's Bill—it was altogether silent as to the prevention of compromising election petitions. It was most scandalous to see at the commencement of the present Parliament the election agents of both sides of the House presenting petition after petition. As one petition was presented against the return of a Gentleman on one side of the House, another petition

Mr. Phinn

was presented against the return of a Gentleman on the opposite side of the House. Those who knew the secret mechanism by which those gentlemen worked, knew that that was their best method of compelling a compromise, and preventing a fair inquiry into charges of bribery and corruption. He thought that the noble Lord would agree with him that the presentation of those petitions was a matter of public concern, and that there ought to be a public prosecutor to sift those charges to the bottom. People ought to be no more able to compromise election petitions, than they could compromise charges of felony. Those who made charges of bribery and corruption at elections, ought to be compelled to enter into recognisances to prosecute, and then the public would be enabled to know whether these charges were well-founded, or merely frivolous and unjust accusations. He believed that the moment in which the Legislature should have declared that such charges must be publicly investigated, and that the persons proved to be guilty of them should be punished not simply pecuniarily, they would have advanced a great way in the direction of Parliamentary reform. He hoped that the noble Lord would not give the proposed election assessors any voice in the decisions of the Committees as to matters of fact. From the experience which he had had on these Committees, he must say that questions of fact were as ably and fairly decided by them as by any legal tribunal in this country. He hoped that the noble Lord would permit the proposed assessors to decide questions of law only. He objected to the noble Lord's proposition to take these assessors out of the class of lawyers called revising barristers. It was true, that, in many instances, the revising barristers were men of very considerable standing; but they would find on the Election Committees Gentlemen much better qualified than themselves to decide upon such legal questions as might arise in the course of the Committees' proceedings. As there were many legal Gentlemen who were Members of that House, he did not see why they should not be made useful; and he would suggest that when an Election Committee was appointed, an hon. Member who had practised the law should be named upon it, possessing no vote or power except upon questions of law. The different legal Members of the House might draw up some regulations which should produce a uniformity in their

decisions, such as never could be arrived at by the revising barristers. There was another point to which he would venture to direct the attention of the noble Lord. The right hon. Gentleman the Member for Midhurst (Mr. Walpole), and the hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly), had stated their intentions to introduce, during the present Session, measures for reforming Parliamentary representation. Now, in his (Mr. Phinn's) opinion, those Bills, as well as that proposed by the noble Lord, ought to be referred to a Select Committee, with the view of producing one good measure. A Committee-room was a much better place than that House for the discussion of the details of those several measures. Having had some experience in acting as a Commissioner at St. Albans, he would suggest to the noble Lord the propriety of establishing local tribunals, for taking the evidence of country witnesses, in cases of controverted elections. The expense of bringing witnesses from a great distance to London was enormous, and the temptations to which they were subjected, on their arrival, were great. He hoped that a remedy would be provided to meet these evils.

MR. MILES said, that on listening to the noble Lord while reading his intimidation clause, it had struck him (Mr. Miles) that it made no provision against spiritual intimidation. In the previous Session he had been obliged, as Chairman of an Election Committee, to bring the question before the House, and he then understood the noble Lord the Secretary of State for the Home Department to say that, although by-gones were to be by-gones, such intimidations as had disgraced the Sligo and Clare elections must never again disgrace the representation. He trusted that the noble Lord (Lord J. Russell) would take particular care in the wording of this clause so as to meet the case of spiritual intimidation. He quite agreed with the noble Lord with respect to the assessors: he thought that they should be men of high standing and legal knowledge; and with these gentlemen deciding on law, and the Committee on points of fact, he thought that decisions would be obtained which would at length satisfy the country. He begged to thank the noble Lord for bringing in his Bill and hoped that he would consider the Bills of the right hon. Member for Midhurst (Mr. Walpole), and that of the hon. and learned Member for East

Suffolk (Sir F. Kelly), at the same time, trusting that amongst them all a law might be obtained stringent enough to prevent such bribery and intimidation as had disgraced the last general election.

MR. RICH said, he must congratulate the House on the proposition of the noble Lord as to the appointment of assessors to aid the Members of Election Committees; but he agreed with the hon. and learned Member for Bath in thinking that the assessors should be men of greater legal standing than the generality of revising barristers. But he was afraid that, if there were to be so many as ten assessors, the Election Committees would not arrive at that uniformity of decision which was one of the great desiderata with regard to their proceedings. He believed that the reduction of Members "serving" on Election Committees to five, was a very beneficial change; since it had taken place, those Committees had discharged their important functions in a praiseworthy manner, but the great objection to their constitution was the want of legal knowledge to guide them in their decision, and he was glad to find that the noble Lord proposed to supply this want by means of an assessor. He regretted, however, to hear that their decision was not to be final, for he was afraid, if it were not, room would still be left for those party conflicts which were now carried on before Committees. He thought it would be a very useful arrangement to appoint a kind of Court of Assessors, to sit in the same way as a grand jury, and make a preliminary inquiry into a case before it could be submitted to the Committee, in order to ascertain whether there were *bond fide* grounds for investigation. This would put an end to all frivolous petitions. Three or four assessors, in his opinion, would be sufficient to go through the business satisfactorily, and being gentlemen of legal attainments and experience, they might prepare a code of precedents for the guidance of Committees which would enable petitioners to judge of the probable way in which cases would be decided, and do away with that uncertainty which now attended proceedings before these Committees.

MR. WARNER said, that though he was glad the noble Lord had attempted to grapple with the evil of bribery and corruption at elections, he was afraid that his measures would not reach the more serious difficulties connected with the subject. He regretted that the noble Lord had not

transferred the jurisdiction of the House with regard to election petitions to some more permanent tribunal. Every one knew the difficulty, if not impossibility, of eliciting at Westminster the truth in relation to matters which had arisen at places very far distant; and if the House would not part with its jurisdiction, all difficulties should be made to give way before the important object of an inquiry on the spot. The Members of the Election Committee themselves should go down, however inconvenient, and enter on the inquiry in the same manner and with the same powers as a Royal commission. He had no doubt some good would result from the appointment of assessors; and he hoped the suggestion of the hon. and learned Member for Bath, for the selection of gentlemen of higher legal standing than was proposed, would be taken into consideration. He did not think the second measure of the noble Lord would put a stop to intimidation. His firm conviction was, that the only possible remedy for intimidation was the ballot. It might not be so complete a remedy for bribery as for intimidation, but still it would greatly tend to discourage bribery. Another way of preventing improper influences being used was, not to allow the state of the polling books to be known during the day of the election, or until the declaration of the numbers; for, generally, the most bribery took place towards the middle of the day, when the parties could estimate by means of the returns the relative positions in which they stood. For this reason, as well as others, it would be desirable to adopt some other mode of taking votes than compelling electors to go to a booth, and there give in their names before, perhaps, mobs of people. Why not let a vote be taken at the voter's house, or allow him, on obtaining a proper certificate from the returning officer, on some day before the election, to fill it up and send it through the post or otherwise? Some such plan as this must be devised, if they wished to do away with bribery; but the ballot alone would put an end to intimidation.

MR. J. PHILLIMORE said, he also begged to congratulate the noble Lord on bringing forward a Bill which, whatever might be its results, must command the approbation of every one who was desirous that the House of Commons should preserve that respect and confidence which would alone enable it to perform its legislative functions satisfactorily. As to the

*Mr. Warner*

objects of the Bill, all lovers of truth and honour, to whatever party they belonged, must be united. There, were, however, points in connexion with the measure, in regard to which some difficulties might arise. In the first place, the appointment of assessors would not, in his opinion, answer the expectations of the noble Lord. The House always contained within it a certain number of men eminent in the legal profession, and it would be easy to select those of a certain standing, and form them into a body, and let one of them sit in each Election Committee, having previously agreed upon the points which should regulate their decisions. This would be less liable to objection than the introduction of assessors into these Committees, more particularly if they were to be taken as proposed by the noble Lord from the revising barristers. The noble Lord had proposed several stringent regulations against persons bribed, but he regretted to find that no notice was taken of those who bribed. In this respect the noble Lord had failed. He ought to have made every man who came into that House declare, on his honour as a gentleman, that there had been no bribery or intimidation on his part, or, according to his belief, on that of his agents, in order to secure his election. As long as measures were confined to the voter, the desired object would never be attained. He was not one who believed that it was possible to prevent bribery and intimidation altogether. Such was the state of society, that they would always more or less exist; but still, it behoved them to do their utmost to extirpate as much as they could an evil which was now eating into the very vitals of the community, and was deplored by all who valued the institutions of their country.

MR. E. BALL said, he was, perhaps, not well qualified to take a part in the present discussion, as there was scarcely a single Member of that House who had had so little experience of bribery as himself. Whatever the expenses of his election had been, they were defrayed by his constituents. He agreed with the hon. Member for Norwich (Mr. Warner) in some respects, but, as a Member of an Election Committee, he was under the impression that there was no town where more wholesale bribery had been committed than in Norwich. He considered that the suggestion of the hon. Member (Mr. J. Phillimore), requiring a declaration from every hon. Member, upon taking his seat, that he



had, neither himself nor by his agents, been guilty of bribery or corruption during his election, would tend to create a degree of confidence in the House throughout the country, which, unhappily, did not at present exist. If such a declaration were required to be made, it would have the effect of raising that House more in the estimation of the country than any measure they could enact. He was glad that the noble Lord proposed to establish a preliminary investigation before a sort of grand jury for the purpose of conducting an inquiry into the merits of election petitions. If that was not a good plan, then the system adopted through the whole country, of having a grand jury in criminal cases, was not a good one. He believed, however, that everybody conversant with criminal trials knew how admirably the grand jury system operated in saving expense, reducing labour, and forwarding the ends of justice. The hon. and learned Member for Bath (Mr. Phinn) had suggested that assessors should be selected from Members of the House, and really, seeing there were so many professional men in the House, he did not see why the House should refuse to make use of them. Now, one of the worst features connected with Election Committees was the enormous expense and procrastination occasioned by the long and exhausting speeches of the lawyers engaged on either side; and what he would suggest, therefore, was, that the professional men in the House should take the part of counsel on those occasions. He really thought that his recommendation, if carried out, would be productive of beneficial results, for not only would it secure to sitting Members the best possible advocacy, but it would prevent a great deal of unnecessary delay, and also give a useful occupation to the multitude of professional gentlemen in that House.

MR. WARNER said, he must complain of the attack made by the hon. Member on the city of Norwich, and would beg to explain that last Session nothing had been proved before a Committee of the House with regard to the existence of bribery at the last election.

SIR BENJAMIN HALL said, he must tender his thanks to the noble Lord for the introduction of these Bills. He agreed with him upon all points except that touched upon by the right hon. Member for Manchester (Mr. M. Gibson) as to putting down intimidation. This he did not think would be accomplished by the noble

Lord's Bill. The noble Lord was also too lenient with regard to agents. These persons ought to be punished severely for their acts, which frequently compromised Members without their knowledge. There was also a class of persons known at all elections, but, thank God, they were unknown in the metropolitan boroughs, who were called the attorneys of the town, and he would suggest the insertion of a clause, whereby these gentlemen might be struck off the rolls in the event of their being proved to be parties to bribery, corruption, or treating. Having frequently served on Election Committees, and also acted as Chairman, he could appreciate the value of the noble Lord's proposition to provide legal advisers to assist Committees in the prosecution of their inquiries. It had been stated before by an hon. Member that strict justice was done in these Committees with regard to the facts of a case, but when any difficult points of law arose, they frequently had to seek advice from counsel as to the course they should pursue—that very advice which the noble Lord intended to supply by his Bill. But, above all things, the noble Lord should avoid adopting the suggestion of the hon. and learned Member for Bath. Don't let them have an assessor who was a Member of that House. Let them have a person whom they could look to for legal advice only—a paid legal adviser. Before he sat down, he wished to make a suggestion to the noble Lord. As they had all one view in common, that of abolishing these practices, they should be desirous of obtaining all the information they could on the subject. Now, it appeared that the hon. and learned Member for East Suffolk (Sir F. Kelly) intended bringing in a Bill on the same subject in the course of the ensuing week. He (Sir B. Hall) would express a hope that the noble Lord would not take the second reading of his Bill until they had the Bill of the hon. and learned Member, so that they might see what his views were, and, if possible, produce a more perfect and effective measure by the amalgamation of both.

MR. T. DUNCOMBE said, he wished to say a few words, in order to set the hon. Member for Cambridgeshire (Mr. E. Ball) right with regard to the Election Committee which sat last year upon the return for the city of Norwich. No Committee sat last year with reference to bribery taking place in Norwich. The only Committee was one of which he himself was Chairman;

but the subject of its inquiries was the withdrawal of the Norwich Election Petition. Certainly, it was stated before that Committee that great bribery had taken place in Norwich, and if the petition had been gone into, perhaps the charge would have been proved. So far bribery was referred to, but in point of fact no charge of bribery was tried. It was very satisfactory to hear that there was at least one Simon Pure in the House, and that he appeared in the person of the hon. Member for Cambridgeshire. But because his constituents returned him free of expense, it did not at all follow that there was no bribery at the last election in Cambridgeshire. The other party might have bribed, or the friends of the hon. Gentleman opposite might themselves have resorted to illegal means to procure his return. Cambridge, at all events, was not a very pure borough. It did not stand high in the list of boroughs which returned Members to that House; and it was just possible that some of the country people—some of the freeholders, for example—might have been tainted by what took place in the learned town of Cambridge. With regard to the propositions which had been laid before the House, the noble Lord had not clearly stated whether he intended to permit petitions complaining of bribery, when presented, to be withdrawn. It was proved before the Norwich Committee, last Session, that there were ten petitions “paired off” against each other, and he was afraid that such would be the case so long as they allowed petitions to be withdrawn at all. When a petition was once presented, it should be brought to an issue in some way or other; or, at all events, there should be another petition upon which that House, and that House only, might decide whether the original petition should be withdrawn or not. It ought not to be left to a Parliamentary agent, by merely writing a letter to Mr. Speaker, to say that a petition was to be withdrawn. The system was for Mr. Coppock to take a letter from Mr. Brown, and Mr. Brown to take a letter from Mr. Coppock; then these letters were sent to Mr. Speaker, and the House heard no more about the petitions, though they might contain charges of the grossest bribery against Members of the House. Some of the petitions might be frivolous; but he believed many real and *bonâ fide* charges of corruption had been paired off one against the other in the way he had described. How could the House hope to

Mr. T. Duncombe

put down bribery so long as this system was kept up? The recognisance system also required reform. The Parliamentary agents said, “We don’t care about your preventing the withdrawal of petitions; we will beat you with the recognisance system, if you allow it to remain as it is.” The law required that recognisances should be entered into; but the agents would agree not to perfect the recognisances, and then when the examiner of recognisances reported that the recognisances had not been completed, the petition would be virtually withdrawn. Whatever they required, should be in the shape of a sum of money lodged in the Bank of England in the name of Mr. Speaker, and not allowed to be withdrawn until the petition had been tried, and some decision come to by the House as to whom the money belonged. He was sorry to hear that assessors were to be appointed. He thought that much of the delay which occurred in Election Committees was occasioned by so many lawyers coming before them, for all the mystification in Election Committees assuredly came from the lawyers. He was satisfied that five Members of that House would decide a case better than any lawyer whatever. In point of fact there never was a greater mistake than when they passed what was called the Grenville Act. Previous to that Act they possessed full power to remedy such defects by a Resolution of the House; but by the Grenville Act they had parted with that power, and, in point of fact, had submitted very valuable privileges to the House of Lords by requiring their assent to that Act, and made the subject much more complicated than before. Such was his opinion, and such was the opinion of many Members who opposed the Grenville Act; it was the opinion of Mr. Pitt and others who had no doubt with reference to it, and who stated that the House had lost the power over and the control of their own Committees. But if the noble Lord, even now, would repeal what was called the Election Petitions Act, and place the House where it was before the Grenville Act, the Resolutions of the House would be so framed for the trial and conduct of election petitions, that much more would be done in the way of preventing bribery, corruption, and intimidation, than if they were to continue the complicated machinery now in existence. With respect to the ballot, he did not see how that would be a cure; but it was supposed to be, at all events, some

remedy against corruption and intimidation, though he did not believe it would be that effectual one that some hon. Members seemed to suppose. At the same time, he should like to see it tried; and, as the hon. Member for Montrose (Mr. Hume) had suggested, let it be permissive. Infinitely superior, however, to the ballot would be very large constituencies and frequent elections—constituencies so large that few would have the power of bribing them; and even if they had the power of bribing them, it would hardly be worth their while, in consequence of the frequency of elections. He believed that would be as good a cure for bribery and corruption as any that had been suggested; and if the noble Lord would introduce it into the new Reform Bill which he was to bring forward next Monday, he would save himself a great deal of trouble in connexion with the Bills which he now proposed.

SIR JOHN TROLLOPE said, that having had some experience in the working of the present laws for the trial of controverted elections, he thought a much better method of trying those election petitions might be obtained, simply by adopting a suggestion which had been proposed—that recognisances should be abandoned, and a sum of money be deposited which should abide the decision of the Committee. They would thus obviate altogether the machinery which the noble Lord now proposed for the first time to create, introducing what he called a grand jury system into the trial of controverted elections. The action of such a grand jury system would be very dissimilar to the mode in which it acted in criminal cases. In those cases the grand jury were simply called upon to decide whether sufficient cause appeared against a prisoner to justify sending him for trial; but in the case of a controverted election, the proposed grand jury would have the power of inflicting penal consequences, and would saddle parties with costs if they did not think there was sufficient cause to go on with the petition. If a jury of fifteen persons assembled, with closed doors, to inquire into the allegations of a petition, and hear evidence which was not upon oath, their proceeding would appear of such a doubtful character that it would be a dangerous principle to allow such a body to have the power of inflicting costs upon parties, without their having the power of appealing to the justice of the House. He thought the more efficient and simple course would be to

adopt the plan suggested by the hon. Member for Finsbury (Mr. T. Duncombe). It could not be denied that there were many defects in the existing law, although he was aware that the Act of Parliament was drawn up with very great care and under the immediate superintendence of the late Sir Robert Peel; but during the last Session it was found in many instances to be defective, and he thought, in the outset, that the allowing a petition to be withdrawn, by simply writing a letter to Mr. Speaker, was one of the most glaring imperfections. The great principle which the House ought to uphold with regard to its own dignity was, that it should never be appealed to in vain, or upon frivolous pretences. It was quite clear that during the last Session a great number of petitions was presented with no other intention than that of pairing off; and although, probably, in some cases there were no grounds for the petition, in others there existed very serious grounds, which if the House had been made aware of they could never have permitted to have been withdrawn. Allusion had been made to the withdrawal of the Norwich petition. It was very doubtful whether a serious result would not have followed an inquiry into that matter, and he thought its withdrawal a most objectionable proceeding. Desiring again to express his concurrence in the suggestions of the hon. Member for Finsbury, he should conclude by observing that they would tend very much to simplify the proceedings and save trouble to the House, many of the Members of which, during the last Session, sat six months together on Election Committees four days in the week. He approved of some preliminary machinery, and begged to express his concurrence in many of the propositions of the noble Lord, being assured that any sound measure which had for its object the purification of that House and of the country in regard to election proceedings would meet with general assent.

SIR JOSHUA WALMSLEY said, there could be no doubt the object of the noble Lord was a good one. His Bill proposed to reduce the penalties, and although he (Sir J. Walmsley) doubted whether the lowest mentioned was not a great deal too much, yet he thought the proposition was one in the right direction. It was also proposed to strike off from the register any person who might be convicted at any time of bribery. That was another sound reform at which he felt gratified; but he would venture to suggest whether, in these

propositions, three entire questions had not been mingled. So long as it was expensive to get rid of bribery, they never would be able to do so. The mode of proceeding was to apply to the House by an election petition, which cost a very large and extravagant sum of money. The petition was to be discussed in Committee, and, on the decision of that Committee, measures would be taken for a Commission to issue to inquire into the state of the borough and the number of persons who had been bribed. He apprehended the simple and easy course—if it were really intended to get rid of bribery—would be to afford facilities for an inexpensive inquiry. He thought there was sufficient intelligence and independence among borough constituencies themselves to remove bribery and corruption, provided the Legislature gave them a simple, easy, and cheap mode of removing the corrupt voters from the register. It might be done by an inquiry in a County Court, before the Judge alone, or before the Judge and a jury. Such a proposition might meet with objections from hon. and learned Members; but he apprehended it would be a simple and easy mode of proceeding, and he was persuaded in his own mind, from his experience in these matters, that it would prove a most effectual mode of removing bribery and corruption to a very great extent. Every hon. Gentleman present knew that in any borough there was a certain number of electors on each side. If a borough consisted of 1,200 electors, there might be 500 on each side who could not be bought, whom no persuasion or intimidation could induce to act otherwise than from their own convictions; but the lowest and smallest number, the remaining 200, who were open to corrupt influences, would turn the balance, and so elect the Member. Now, it would be the interest of every one of the independent persons in that borough, of the Members themselves, and of all connected with it, that those persons should be removed from the register; and if they could effect that in a simple, cheap, and easy mode, such machinery as might be required to effect that mode would be the best means of preventing bribery and corruption. He should give the suggestions of the noble Lord a fair and candid consideration.

MR. NAPIER said, that the education of the people would be a more effectual cure for bribery than any that had yet been suggested. They might depend upon it that where the evil was moral, the remedy

*Sir J. Walmsley*

must be moral also. But legislation might do something, and they ought not to despise that something because they could not accomplish everything. By a late change in the law in Ireland, parties there were compelled to accept the franchise, and it was most important, therefore, that the electors should be protected at the poll in giving their votes freely. With regard to the subject of spiritual interference and influence, whether they could cope with it by legislation was a question of great difficulty and delicacy; but at all events they ought to adopt such measures as would enable men when they came forward at the poll to give their votes freely. He remembered a few years ago being down at an election in the county of Louth. Nobody was allowed to go about the town but himself, and the reason why he was permitted to do so was, that he had a short time before obtained the acquittal of several of the town's people in a Court of Justice. He observed that all the people were armed with sticks, and when the voters came forward to the poll, escorted by a military force, they were pelted and hooted by the mob, and suffered great violence. He hoped that such scenes would be prevented in future, and that voters would, at all events, be protected at the poll. He would give the Bills his best attention, and would be glad to assist the noble Lord in every way he could.

MR. ALCOCK said, he was rather surprised to find the noble Lord had not taken the trouble to define what "treating" was. He thought the greater part of the House considered treating to a small extent was nothing at all, and he had seen it stated "that treating at Liverpool was not of a very extravagant nature." He did not know how any Gentleman could read those words without coming to the conclusion that treating to a small extent was not so illegal or objectionable as if done to a great extent. He was sorry, also, the noble Lord had said nothing with respect to the compromising of election petitions, a most important point which ought not to be forgotten. Last year an election petition was presented against his colleague and himself on what he considered perfectly frivolous and groundless circumstances, and for three months that petition was hanging over their heads, without the chance of disproving its allegations, until at length, without his knowledge or consent, it was withdrawn. Now, although the House and every one in it was desirous that all pos-



sible facility should be given to the presentation of petitions against the return of any Member, he thought it ought to shut the door with jealousy against compromising and capricious withdrawing petitions after they had been presented, except after an explanation to both the House and the Member against whom a frivolous petition had been presented. He considered the present system of recognisances most unfair and absurd. For a petition against one Member, a recognisance of 1,000*l.* might be required, to be paid in cash, or sureties to be given; but, for a petition against two or against three Members, the same sum of 1,000*l.*, or the same amount of recognisances from sureties, was alone required. Surely it was only reasonable to suppose the sum in such cases ought to be increased; and it was ridiculous to imagine that if 1,000*l.* were required for a scrutiny of the votes in a place where the constituency was small, a larger sum would not be necessary where there were many thousands of voters. He must complain that while the sureties were taken without inquiry, the sitting Member had to employ counsel, and go to great expense to prove that such sureties were not substantial or proper men. As the law at present stood, a Member of Parliament was subject to accusations in a manner in which no other subject in the realm could be subject. He was charged with bribery and corruption, and at the end of many months the petition against him was withdrawn, without giving him the opportunity of vindicating his character, which was allowed to the greatest criminal. He believed there was not a single county contested at the last election in which there was not treating to some extent, with the exception of East Surrey, the one for which he sat. In that county there was no treating, even to the extent of 6*d.*, and he consequently felt exceedingly disgusted at the proceedings against him.

MR. BENTINCK said, the whole matter was a question of agency, which it was absolutely necessary the noble Lord should clearly define. He did not mean the legal agency of one man acting at the request of another, but that description of agency which Committees had established, where persons had actively employed themselves on behalf of a candidate. That ought to be made more clear than it was at present, and it was the more necessary, as it had been held that a man was an agent who had been shouting in the same street with

the candidate; and upon that, or very little more, a Member of the House had been unseated. He trusted that as the noble Lord proposed to disqualify any Member from holding a seat after he had been convicted of bribery by himself or his agents, he (the noble Lord) would guard candidates against the possibility of a man constituting himself an agent without any authority for doing so. He trusted the noble Lord would turn his attention to that point.

MR. DRUMMOND said, his hon. Friend the Member for East Surrey (Mr. Alcock) had stated very truly that the petition presented against him last Session was without any ground whatever; but he had not stated why and how it was withdrawn. The fact was, that when the parties who presented it, found they could not substantiate the charges contained in it, they immediately caused a petition to be presented against the Member for West Surrey, for no object whatever but that the two might be paired off against each other. He believed that one of the very best Reform Bills that could possibly be framed would be to summon Parliaments annually, as they were originally—as they were in all times, till the Whigs came in with their Septennial Bill.

MR. J. O'CONNELL said, that though differing on most points with the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier), he was happy to agree with him in the claim he had preferred to-night for the protection of the Irish voters; but the agreement was not likely to go further, because the protection he desired was the protection of the ballot. Some years ago, at a county election in Ireland, he saw voters brought to the poll, surrounded by the agents of the landlords, and intimidated and deterred from voting, except in a particular way. As he took no part whatever in the last general election, he was not very conversant with what occurred then; but he was quite sure the most excited partisans of the Liberal party would not have the least objection to the ballot taking away any advantages they now possessed from public agitation, if it only got rid, at the same time, of landlord intimidation. They might go on legislating, year after year, but he was convinced they must come at last to the ballot, as the only remedy for the evils which now existed in the system of popular elections.

MR. LOCKE KING said, he would advise the House to receive the suggestion

of the hon. Member for Finsbury (Mr. T. Duncombe) in regard to recognisances, with some caution. If adopted, he was inclined to think there would be great difficulty in presenting any election petition at all, because few men had 1,000*l.* unemployed to pay down as security, though they might render themselves liable to that amount for the prosecution of a petition.

MR. KENNEDY said, that during the election at which he was returned, he had been obliged to retire from two towns in consequence of the intimidation exercised by paid bands of men in the adverse interest. He quite agreed with the hon. Member for Clonmel (Mr. O'Connell) that the best remedy for such a state of things was the ballot. He was satisfied that many of the evils of Ireland emanated from a corrupt and bad system of representation.

LORD JOHN RUSSELL, in reply, said, that as several hon. Members had alluded to the withdrawal of petitions, he begged to state that the Bill would contain a provision on that subject. He could not say whether that provision would be satisfactory to the hon. Member for Finsbury, but he believed it would remedy the evils that at present existed. He also proposed, with regard to expenses at elections, that every candidate should appoint in writing one agent; that such agent should be the only person authorised to pay any money for the legal expenses of the election; and that he should be compelled to produce before an Election Committee an account of the whole expenses of the contest.

Leave given; Bill ordered to be brought in by Lord John Russell and Sir James Graham.

Leave was also given to bring in the Controverted Elections, &c. Bill.

#### SETTLEMENT AND REMOVAL BILL.

MR. BAINES : \* Mr. Speaker, I beg very respectfully to ask the indulgence of the House, while I endeavour to bring before them a subject of great difficulty and complexity, and of at least equal importance. I believe it, indeed, to be of the utmost importance to all the interests of this great community; to agriculture and to commerce, to employers and to labourers, and, above all, to that class, of whom, from the official station which I have the honour to hold, I must always consider myself as peculiarly the advocate in this

*Mr. L. King*

House—I mean the class of the destitute poor.

Within the last few years a very unusual degree of public attention has been given to this subject, and a greater amount of information has been accumulated respecting it than had ever before been obtained. In the years 1844, 1845, and 1846, earnest discussions upon it took place in this House. In 1847, a Select Committee of the House was appointed to investigate the whole subject of Settlement and Removal of the Poor. That Committee consisted of Gentlemen, most of whom were admirably qualified to conduct such an inquiry with ability and efficiency. As I shall have occasion hereafter to lay some stress upon the recommendations of this Committee, I hope the House will allow me to state the names of the Gentlemen who composed it. Mr. Charles Buller was the Chairman, and the other Members were—Sir James Graham, Sir George Grey, Mr. Henley, Mr. Miles, Mr. Bankes, Lord Harry Vane, Mr. Evelyn Denison, Mr. Poulett Scrope, Mr. Charles Villiers, Mr. Aldam, Mr. Bodkin, Mr. Thomas Duncombe, Mr. Round, and Mr. Borthwick. This Committee investigated the subject very thoroughly, and the examination of the witnesses was conducted in the most able and searching manner. Those witnesses were brought from every part of the country, and comprised a great number of persons who were practically most conversant with the administration of the poor-laws. In 1848, Mr. Charles Buller, who in the mean time had become President of the Poor-Law Board, determined, in order to obtain still further information, to send out into different parts of the country eight Gentlemen, all of whom were highly qualified for the purpose, to investigate upon the spot the operation of the Law of Settlement and Removal. They instituted, in fourteen English counties, chiefly agricultural, very minute and elaborate inquiries; and their reports, which were full of important evidence as to the practical working of the law, were subsequently laid upon the table of this House, and printed. Those reports were peculiarly valuable from the circumstance, that the Gentlemen making them had taken great pains to obtain their information from Chairmen and leading Members of Boards of Guardians, poor-law officers, and others best acquainted with the actual operation of the law. When all these reports, Parliamentary and official, were at length in the hands of hon. Members

and of the public, an opinion was very naturally and generally expressed that, inasmuch as all the information had now been obtained which could be reasonably hoped for, the Government were bound to propose some measure of new legislation; for, though there was little of unanimity as to the proper remedy, all seemed to agree that the present law was thoroughly bad and indefensible. It was said plainly that, difficult as the subject confessedly was, the Administration could not shrink from grappling with the difficulty as they best might. Questions were repeatedly put in this and the other House of Parliament, as to the views and intentions of the Government. In the very last Session two distinct notices of Resolutions, affirming the expediency of abolishing removals and enlarging the area of chargeability, were given from opposite sides of this House, one by the hon. Member for Berkshire (Mr. Vansittart), the other by my hon. Friend the Member for Stafford (Mr. Ashford Wise); moreover, a Bill for the purpose of carrying out those views was actually brought into the other House by a noble Baron, Lord Berners. It was only upon the distinct pledge of the Government that they would do their best to introduce a legislative measure in the present Session, that those notices and that Bill were withdrawn. Sir, it is in redemption of that pledge that I now present myself to the House for the purpose of submitting to them the measure, which the Government, after the fullest consideration, think it their duty to propose.

I am quite aware that I have the honour of speaking in the presence of many Gentlemen to whom I could not hope to impart any new information upon the subject of the present Law of Settlement and Removal. Very much to the advantage of the country they take an active part in the administration of the poor-laws within their own localities, and are perfectly familiar with the whole. There are other hon. Members, however, who have not paid so much attention to the subject; and, out of doors, there is unquestionably much of ignorance and misapprehension respecting it. I hope, therefore, the House will pardon me if I endeavour, with the utmost plainness and brevity, and in language divested of all technicalities, to state the substance of the existing law.

It is well known that in England and Wales, the area of chargeability, as it is called, that is, the district bound to maintain its own chargeable poor, is the parish

—not always the parish in the ecclesiastical sense of the term, for in the poor-laws the word “parish” is used to designate every place maintaining its own poor, whether it be really a parish, a township (as is usually the case in the North of England), a hamlet, or any other district. Of parishes, in this sense, there are no fewer than 14,614. They vary infinitely in extent and population. In the county of Durham, for instance, there is one parish of fifty-five thousand acres, while in the adjoining county of Northumberland there is a parish of five acres. There are upwards of seven thousand parishes, the population of which is less than three hundred each; and there are nearly eight hundred parishes, the population of which is less than fifty each. These are facts very material with regard to the inquiry in which the House is now engaged.

The present Law of Settlement and Removal originated in an Act of the fourteenth year of King Charles the Second (1662)—13 & 14 Car. 2, c. 12. The effect of that Act, combined with subsequent Acts, is, that if a person becomes destitute in any parish in this country, and is actually chargeable to it, he is liable to be removed to the place of his last legal settlement. A settlement, as the House is aware, may be acquired in a parish by various means—by apprenticeship, by renting a tenement, by ownership of an estate, and in some other modes, which it is unnecessary to particularise. And the law is, as I have just stated, that if a poor man becomes chargeable in any parish of England or Wales, except that of his settlement, he is liable to be removed to the latter, under a warrant of justices, and by force, if necessary. Many persons suppose that settlement gives a title to relief. This is a mistake. Destitution, not settlement, gives the title to relief. Persons who have no settlement, foreigners for example, and that large class whose settlements (if they have any) cannot be ascertained, must be relieved in any parish where they are actually destitute. In all cases of this kind removal is of course impracticable. If a person becomes destitute in the parish of his settlement, all that settlement can do for him is, not to give him a title to relief, for that he would have had without it, but to prevent his removal to any other parish; but if, while residing in a parish not that of his legal settlement, he becomes destitute, and receives a single shilling or a single loaf of bread at the cost of the poor-

rates, he may be compulsorily removed to the parish of his settlement, though it may be at the other end of the kingdom. In such a case settlement, so far from being an advantage to the pauper, may be the greatest misfortune and curse to him. Nor does the hardship end with the removal. If he should venture forth again from the parish of his settlement, and return, though in the honest quest of work, to that from which he had been removed, and become again chargeable there, either from a stagnation of trade or any other cause, he is liable to be sent to gaol and kept to hard labour, under the Vagrant Act, as "an idle and disorderly person," unless he produces a certificate (which he may have no means of obtaining) from the churchwardens and overseers of his settlement parish, acknowledging him as settled there. (5 Geo. 4, c. 83, s. 3.) This, I believe, as I have now stated it, is really the sum and substance of the Law of Settlement and Removal as it now stands.

Such, Sir, being the law, I now beg leave to draw the attention of the House to some of its undoubted effects, as shown clearly and abundantly by the Parliamentary and official reports, and in the numerous petitions from every part of the country. My own belief is, after looking most carefully and anxiously into the subject, that it would be difficult to point out any class in this great community which such a state of the law does not seriously injure. Look at its effects upon the relation between employer and labourer. It is proved, by a redundancy of evidence, that in a great many of the rural parishes all over the country, the dread of an order of removal keeps within the parish of his settlement, where his labour may be little or not at all wanted, the man whose labour would be valuable to an employer and remunerative to himself elsewhere. As it is, labour stagnates in one parish, while it is wanted in another. But there are other mischievous consequences of this law, which, with the permission of the House, I will illustrate by a supposed case:—A farmer wants a servant. Two persons offer themselves; one, an idle, drunken, slovenly fellow, a settled inhabitant of the farmer's parish; the other, an industrious, sober, skilful man, but either settled elsewhere, or having no settlement at all. What do the House think of a state of the law which gives the farmer a motive for taking the worse man and rejecting the better? The farmer knows that the worse must be main-

tained either in the workhouse or out of it, and that the cost of maintaining in the workhouse the man and his family (probably a large one, as the law has encouraged him to marry before he had made the slightest provision) must fall in a great part upon the farmer himself as a ratepayer. He thinks it cheaper, therefore, to employ such a man at a low rate of wages than to keep him in the workhouse, and he accordingly engages his services, such as they are. Now, I beg the House to mark how this operates. First, the farmer gets a very inferior species of labour; and, when it is remembered that the same cause is in operation in hundreds and thousands of parishes, the House will see how much the progress of agriculture must thus be retarded, and the productiveness of the country lessened. Secondly, the labourer who has a legal settlement where he lives, is taught to rely for employment upon the accident of his settlement, and not upon the qualities of industry, sobriety, and skill. Thirdly, the non-settled labourer, who has all those qualities, even if he is not rudely repelled from the parish lest he should become settled there, is unable to get employment where he is really wanted, and where, but for this state of the law, his services would be gladly accepted. Surely these are all very serious consequences, both as they regard the productiveness of English agriculture and the character of the English labourer. Neither capital nor labour commands its proper return. Recent legislation has given additional importance to these considerations. Since the repeal of the corn laws, many petitions have been presented to this House, complaining that while the farmer is now exposed to "unrestricted competition" with respect to the commodities in which he deals, he should still be restricted by the Law of Settlement in his command of labour. I think such a complaint most reasonable, and I trust that the Legislature will deem it worthy of their immediate attention. As to the labourer, the only commodity which he possesses is his labour. How can he be said to enjoy the benefits of free trade under a state of the law which effectually prevents him from carrying that labour to any market he chooses?

But, Sir, it is with regard to the residences of the labouring classes that the law is productive of the most cruel hardships of all. The House will see how the Law of Settlement gives a direct interest to the landowner to prevent the erection of



cottages within his parish. Nearly every one of the present modes of creating a settlement requires a certain duration of residence in the parish. If, then, the residence of the labourer can be prevented, settlement will be prevented, and he cannot, at any future period, become chargeable to the parish. Such, indeed, is the jealousy, under the present system, with which any new comer is regarded, who may by possibility gain a settlement in the parish, that covenants have actually been introduced into leases, for the purpose of protecting the parish against such a calamity. An instance is recorded of an action having been brought on such a covenant, to enforce a forfeiture, for having "made two parishioners," which in that particular case was done by hiring two servants for a year, who by the law (as it then stood) thus became settled inhabitants. A similar motive is found to operate, in a very great number of parishes, to prevent residence on the part of the labourer; and in that large class of parishes, denominated "close," there is not only the will but the power to prevent it. By a "close parish," I understand one in which the whole of the land is in the hands of a single proprietor, or of some small number of proprietors, who, by combination among themselves, can effectually prevent the building of cottages for the labourers. In such a case, the unfortunate labourer, who works in the parish, is often compelled to reside at a great distance, and generally to seek a dwelling for himself and his family in some open parish, where, owing to the number of proprietors, combination to prevent the building of cottages is impracticable. This may be, and frequently is, three, four, or even five miles from the place of his daily labour. Most respectable witnesses, examined before the Committee of 1847, and before the gentlemen appointed by the Poor Law Board in 1848, give numerous instances, within their own knowledge, of labourers having to walk several miles to work every morning, and as far home every night. I beseech the House to mark the manifold evils of such a system. The labour which the farmer thus procures is, of course, deteriorated in value, as the work of a man who has to walk three or four miles from his home in a morning, and as far back at night, must be comparatively worthless. Here, again, then, is a cause which, operating as it does in hundreds of parishes, tells most injuriously upon the agriculture of the whole

country, and consequently upon its productiveness. I do not dwell upon the gross injustice to the open parish, which, if the labourer should become destitute, must undertake the burden of his maintenance, while the close parish has had all the benefit of his work. But see the consequences to the unhappy labourer himself. In the first place, he is subjected to the cruel addition to his ordinary toil implied in walking such a distance to and from the place of his daily work. In the next place, the open parish in which he dwells is often so overcrowded with labourers, driven into it from the neighbouring close parishes, that the greatest evils—social, sanitary, and moral—are found to be the result. With the permission of the House, I will read a short but very striking extract from a report made to the Poor Law Board by a gentleman who was officially engaged in 1848 to investigate the working of the Law of Settlement and Removal in Norfolk, Suffolk, and Essex. The gentleman to whom I refer is Mr. A'Beckett, at present one of the most able and intelligent of the police magistrates of this metropolis. He says—

"It is, however, as to their command of their places of residence, and in the comfort and condition of themselves and their families, that the labouring classes suffer most severely from the operation of the Law of Settlement and Removal of the poor. It is almost impossible to imagine the misery, dirt, degradation, and consequent immorality in which a large portion of the labouring classes of this country are at the present moment living. If it can be shown, as I believe it can, that much of this moral and physical abasement is caused by the operation of the existing Law of Settlement and Poor Removal, the necessity for an immediate alteration of the law will be admitted on all hands. In almost every union, where the course of my inquiry has taken me, I have found some one or more densely populated parishes in the neighbourhood of others very thinly inhabited by labourers, and in some instances having scarcely any cottages at all. In the former the dwellings are, for the most part, wretched, damp, unwholesome, inconvenient, excessively high rented, and crowded with inmates to such an extent as to render it impossible that health or comfort could be enjoyed, or the commonest rules of decency observed. It is the general result of my inquiries on this head, that the labouring classes are, to a great extent, demoralised, and deprived of domestic comfort by the inducement, offered to owners of property in close parishes, to clear their estates of cottage habitations—an inducement for which the present Law of Settlement and Removal of the Poor must be held chiefly, if not entirely, responsible. The desire to shift the burden of parochial chargeability prevails almost co-extensively with the power, though I have met with some honourable exceptions; and in many cases I have heard the motive openly

avowed, and the sanction of the law cited as a justification of conduct involving much unfairness, if not actual dishonesty, towards one's neighbours, and great oppression towards the labouring portion of the community.

Had Mr. A'Beckett been writing now, when a formidable epidemic is threatening the country with renewed ravages of the most fearful character, he would probably have added, that scenes like those which he has here delineated are the favourite haunts of the whole tribe of infectious and pestilential diseases, with cholera at their head.

But in considering the hardships which the present law inflicts upon the poor, I must beg the House to reflect what an order of removal is in itself, and what it implies. In a great many cases, I fear, it implies nothing less than this—a removal (by force, if necessary) from a place where a man's attachments and connexions have been formed, to another where his father or grandfather is supposed to have been born, or to have lived as a yearly tenant fifty or sixty years ago—where he may himself be a complete stranger, never having been there in his life before, utterly unknown to every human being, and wholly without hope of finding the only kind of labour he has ever been accustomed to. The probable result of such a removal must be his own pauperism for life, and the communication of the taint of hereditary pauperism to his children. Upon how many persons such calamities are inflicted in any given year, I have no means of accurately ascertaining. I find, however, by a Parliamentary Return moved for by the late Captain Pelham, and which comes down to the year 1849 inclusive, that in that year the number of orders of removal signed by justices of the peace in England and Wales was 13,867. If we take three as the average number of persons comprised in each order (and I believe it is a low average), the total number of poor persons liable to compulsory removal in 1849 was upwards of forty thousand. It may be that a considerable number of these orders were not actually executed; but no doubt a very large number were; and I beg the House to consider what an aggregate of human suffering and distress that must imply.

Sir, the pernicious influence of this Law of Removal is seen not in its direct results, but in the manner in which it has frustrated and perverted the humane attempts which the Legislature has from time made for its mitigation. I will trouble the House

*Mr. Baines*

with two illustrations of this. In 1795 an Act was passed—35 Geo. III. c. 101—which modified very materially the original Act of Charles the Second. The Act of Charles rendered a poor person liable to removal if he was likely to become chargeable; that of George the Third made him liable only in case of actual chargeability. No doubt this was a great improvement, but it was not altogether an unmixed good. The labourer who has lived long in a parish with which all his connexions have been formed, experiences a much more cruel hardship in being removed when actual destitution at last overtakes him, than he would have felt if he had been removed (under the statute of Charles) within the first forty days as likely to become chargeable. My right hon. Friend the present First Lord of the Admiralty, then Home Secretary, carried through the Legislature, in 1846, an Act (9 & 10 Vict. c. 66), preventing the removal of any person from a parish in which he has lived for five years without interruption. The object of this Act was most benevolent, and there can be no doubt that it has effected much good. But I will show the House how the humane purpose of the Act may be and is defeated. I am sorry to say that in many parishes constant efforts are made to cause an interruption in the five years' residence, or to prevent its completion, in which case the protection from removal does not exist. The cruel effect with which this system has been carried out cannot be better illustrated than by a short passage from a letter which I received some time ago from Mr. Doyle, the able Poor Law Inspector for Cheshire, Staffordshire, Shropshire, and North Wales. With the permission of the House I will read it:—

“But all other injurious effects of the law,” says Mr. Doyle, “sink into insignificance when compared with the sufferings to the poor of which it is the source. In putting upon paper the plain matter-of-fact details of one or two out of many cases that have come under my own observation, I can hardly hope to escape the suspicion of writing under the influence of exaggerated feelings. Last year, for instance, I was instructed by your Board to inquire into the circumstances connected with the removal of a man with a family of young children from a union in Lancashire to a union in North Wales. He had been in the receipt of good wages, some 25s. a week in the parish in which he was on the eve of completing his ‘five years’ residence.’ From some cause his employment suddenly ceased, and he was compelled to apply for relief. The relief was at once granted, and, when accepted, an order of removal was taken out. In the meantime the man again got work, and was busy at his labour, earning the same

wages as before, when he was literally forced away, removed to his parish, a place he did not even know, where he was utterly friendless, and where he had as little chance of finding the peculiar employment to which he was accustomed, as if he had been cast on a desert island. One of the witnesses in the course of the inquiry, happening to remark, speaking of this man, 'He was more like a madman than anything else,' he suddenly broke out, in uncontrollable passion, 'Yes, and I am more like a madman than anything else; it is enough to drive me mad to be dragged here with my family, as I have been.' I turned to the overseer of the removing parish, who was present, and asked, 'What induced you to remove this man under such circumstances?'—'To prevent him from completing his five years, sir.' \* \* \* It would be easy to multiply cases of this sort, characterised by more or less hardship to the poor, so as to prove that one grievous general effect of the Poor Removal Act is to stimulate officers, guardians, and ratepayers to have recourse to every means in their power to induce those who are liable to become chargeable 'to break their residence.' From this district, at least, complaints are constantly made to your Board of such proceedings, and, while investigating cases referred to me, I have seen quite enough of the means by which the provisions of the law are evaded, to know how hopeless it is to attempt to check the prevailing practice, so long as the inducement to it exists."

Another very serious evil connected with the present law, arises from the wasteful litigation which it engenders. This is owing, in no small measure, to the multifarious, perplexed, and obscure nature of the law itself. There are nearly forty Acts of Parliament, which either wholly, or in part, relate to this subject. They have frequently been passed to obviate doubts, and there is scarcely a single Act among them, which, in professing to remove one doubt, has not created two. As to adjudged cases, they are to be reckoned by the thousand, and I need not say to those who have had occasion to look at them, how confused and unsatisfactory the great majority of them are. It is the law, drawn from such statutes and such decisions, which the overseers of every parish in the country have to construe and to administer, as it were, in dealing with the chargeable poor. I beg the House to observe the ordinary proceedings in a case of removal. A poor labourer has become chargeable to a parish, say in Middlesex. The overseers believe or suspect that the man has a legal settlement in a remote country parish, suppose in Northumberland. They go before two Justices, and prevail upon them, sometimes on very scanty proof, indeed, to make an order of removal. The Northumberland parish,

which, so far, has heard nothing of the matter, now receives a notice that the order is made, and that, unless notice of appeal to the Middlesex Sessions shall be given within twenty-one days, the pauper will be removed. Perhaps the country parish, terrified at the prospect of meeting a formidable Middlesex parish at the Middlesex Sessions, acquiesces in the removal as the lesser evil. If, however, it does appeal, the Northumberland overseers come up to the Middlesex Sessions, and there with counsel, attorney, and witnesses, encounter the counsel, attorney, and witnesses of the removing parish. Perhaps there is an outlay on each side of 50*l.*, the whole of which the loser may have to pay. If the Northumberland parish loses, it must take the pauper, and pay 100*l.* for its unsuccessful attempt to avoid him. If the Middlesex parish loses, it must keep the pauper, and pay 100*l.* for its unsuccessful attempt to get rid of him. A sum, probably far more than would have been necessary to maintain him and his family till he could have obtained employment again, has been completely wasted. A few years ago, the litigation in Courts of Quarter Sessions about the settlement of paupers, was of the most vexations and scandalous character. In those days, cases were constantly decided upon technicalities in the formal proceedings, utterly irrespective of the real facts and merits. No parish had a case so good that it could be called safe; no parish had a case so bad that it could be called desperate. I had the honour of introducing a Bill which received the approbation of Parliament, and became law (11 & 12 Vict. c. 31), for the purpose of sweeping away those wretched technicalities. I had the honour of introducing another Bill, which also passed into a law (14 & 15 Vict. c. 105, s. 12), empowering the Poor Law Board, with consent of the parties, to arbitrate, in questions of settlement, between contending parishes, and so to save the whole, or nearly the whole, of the expense. These Acts, I hope, have done some good; but I consider them as mere palliatives, which have left the great bulk of the evil untouched. I fear, that in describing the proceedings upon an appeal against an order of removal, I omitted to mention that the parties frequently persuade the Sessions to state a case for the opinion of the Court of Queen's Bench; and then

may be seen the Lord Chief Justice of England and three other Judges of that high and dignified court, engaged for hours in settling the question, whether some stable-boy, fifty years ago, was hired under an exceptive or a conditional hiring, or some other question of an equally important character. This last proceeding, besides grievously wasting the time and lowering the dignity of the Court of Queen's Bench, tends, of course, to the further inflammation of the attorney's bill, the further waste of the money of the ratepayers, and the further annoyance of the unfortunate pauper, who is all the time wholly ignorant to which of the two contending parishes he is to fall at last.

Sir, I have now drawn the attention of the House to some of the effects resulting from our present system of settlements and removals. I can say most truly, that I have made a minute search into the opinions of all who might fairly be considered as authorities upon the subject; but, from the reign of Charles II. downwards, I cannot find a single writer or speaker of reputation who has seriously defended the principle of the existing law. I find, on the other hand, authorities, which I venture to think deserving of the most respectful consideration of the House, and by which that principle is emphatically and unanimously condemned.

In 1735, a Select Committee of this House was appointed to investigate the subject, and I find this account of their proceedings in the ninth volume of *Hansard, Parliamentary History*, p. 965:—

" March 27, 1735.—The Commons appointed a Committee, to consider the laws in being relating to the maintenance and settlement of the poor, and to consider what further provision might be necessary for their better relief and employment; and the said Committee having considered and examined this affair with great care and attention, came to several resolutions, among which is the following:—' That the laws relating to the settlement of the poor, and concerning vagrants, are very difficult to be executed, and chargeable in their execution; vexatious to the poor, and of little advantage to the public, and ineffectual to promote the good ends for which they were intended.' This resolution was reported to the House on the 2nd of May, and on the 7th of the same month was agreed to without amendment."

Fifty years afterwards, Adam Smith pronounced an opinion, which, I doubt not, is familiar to many Gentlemen, but which, I think, cannot be too frequently cited. In the year 1776, the first edition of his

work appeared; and in it we have

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the authority of a man, who was not only of unrivalled sagacity, but who, writing in Scotland, and calmly reviewing our English institutions, must be recognised as a most disinterested and impartial judge. He says—

" To remove a man who has committed no misdemeanour from the parish where he chooses to reside, is an evident violation of natural liberty and justice. There is scarcely a poor man in England of forty years of age, I will venture to say, who has not in some part of his life felt himself most cruelly oppressed by this ill-contrived law of settlements. . . . Let the same natural liberty of exercising what species of industry they please, be restored to all His Majesty's subjects—that is, break down the exclusive privileges of corporations, and repeal the statute of apprenticeship, both which are really encroachments upon natural liberty; and add to these the repeal of the law of settlements, so that a poor workman, when thrown out of employment either in one trade or in one place, may seek for it in another trade or in another place, without the fear either of a prosecution or of a removal."—[*Wealth of Nations*, b. i., c. 10; b. iv., c. 2.]

Since the days of Adam Smith, wiser legislation has repealed those exclusive privileges of corporations, which operated in restraint of industry, and also the statute of apprenticeship, of Elizabeth, which prohibited every man from exercising a trade who had not served a formal apprenticeship of seven years. Two of the three obstacles to English industry, pointed out by Adam Smith, have been already swept away; it is for the House to-night to say what shall be done with the third.

There is another very high authority regarded by many with implicit deference, and by all with the greatest respect, who has spoken most unequivocally upon this subject, I mean Mr. Pitt. In a speech delivered in the House of Commons, on the 12th of February, 1796, Mr. Pitt said—

" The laws of settlement prevent the workman from going to that market where he can dispose of his industry to the greatest advantage, and prevent the capitalist from employing the person who is qualified to procure him the best returns for his advances. These laws have at once increased the burdens of the poor, and have drawn from the collective resources of the State to supply wants which their operation has occasioned, and to alleviate a poverty which they tend to perpetuate. . . . I conceive, that to promote the free circulation of labour, and to remove the obstacles by which industry is prohibited from availing itself of its resources, would go far to remedy the evils and diminish the necessity of applying for relief to the poor-rates. In the course of a few years this freedom from the impolitic restraint which these laws impose, will in part supply the purposes for which these laws were instituted. The advantages will be widely



diffused, the wealth of the nation will be increased, and the poor man rendered not only more comfortable, but more virtuous."—[*Hansard, Parliamentary History*, xxxii. p. 708.]

Another period of fifty years elapsed from the time when Mr. Pitt spoke, before the appointment of the Select Committee of this House, in 1847. That Committee, as I have already had occasion to state, investigated the whole subject most fully, and listened to and carefully scrutinised the evidence of witnesses from all parts of the country, including those best qualified to give the most valuable information. At the conclusion of their labours the Committee adopted the following Resolutions:—

*Resolved*—"That the law of Settlement and Removal is generally productive of hardship to the poor, and injurious to the working classes, by impeding the free circulation of labour."

*Resolved*—"That it is injurious to the employers of labour, and impedes the improvement of agriculture."

*Resolved*—"That it is injurious to the ratepayers, by occasioning expense in litigation and removal of paupers."

*Resolved*—"That the power of removing destitute poor persons from one parish to another in England and Wales be abolished."

Sir, Her Majesty's Government are of opinion that the conclusion at which the Committee thus arrived, is the wise and right one; and it is accordingly proposed to enact by the first clause of the Bill which I have now the honour of tendering to the House, that the power to remove a poor person, on the ground of settlement, from one parish in England or Wales to another, shall be abolished.

Sir, there is another subject which the Committee of 1847 found it necessary to consider along with that of settlement and removal, I mean the area of chargeability. That area, as I have already taken the liberty of reminding the House, is at present the parish, whatever its size or population. The investigations of the Committee of 1847 led them to certain very important conclusions upon this subject, which they embodied in the following Resolutions:—

*Resolved*—"That the narrowness of the area of chargeability is one great source of the evils above adverted to, as well as of others arising from the interest of landowners and ratepayers in preventing the residence within that area of persons likely to become chargeable."

*Resolved*—"That it is therefore desirable to extend the area of rating for the relief of the poor."

*Resolved*—"That unions would form the fittest areas for that purpose."

Sir, I can entertain as little doubt as the Committee did, that the abolition of the power of removal would be comparatively valueless if unaccompanied by an extension of the area of chargeability. Suppose for a moment that it should continue to be the parish, it is clear that the power and the will of the owners of close parishes, to prevent the residence of the labourer, will be as great, and possibly greater than ever. If the poor man is to be relieved at the cost of the parish in which he becomes destitute, the great struggle will be to prevent him from having any home or place of shelter there in which his destitution may arise. He will still be driven for a residence from the close parish where he labours, to the open parish which cannot exclude him, in order that when the hour of destitution comes he may be chargeable to the latter, and that the former may wholly escape the burden.

I entirely concur with the Committee of 1847 in thinking that on these grounds, as a general rule, some larger area of chargeability than the parish should be adopted, and also that the union is the fittest area of all. Though the unions are not all of the same size, there are no such monstrous discrepancies among them as I have shown to exist in the parishes. The unions are about 620 in number, and the parishes 14,614. By not taking a wider area than the union, the interest which each ratepayer ought to feel in the vigilant and economical administration of the law will not be diluted, as it would be if the charge spread over a larger area. The Board of Guardians, who manage the affairs of the union, are the representatives of all the ratepayers within it; and my opinion is, that the funds for the relief of the poor of any district ought to be raised and expended within the district itself, and under the superintendence and check of the ratepayers within it, or of their chosen representatives. All these conditions will be fulfilled if the union should be adopted as the area of chargeability.

Some well-meaning persons out of the House are of opinion that the cost of relieving the poor ought to be defrayed by means of a national rate, or be cast upon the Consolidated Fund. I am bound to say, in the most distinct and emphatic manner, that to every scheme of that kind I entertain insuperable objections. I believe that it would open the widest door to every description of fraud and

jobbery. It would lead to the greatest carelessness and wastefulness in the administration of the poor-law, the direct effect of which would be such a rapid growth of pauperism as to defy everything like check or control. One of my chief objections to every such scheme is, that I verily believe it would be fatal to the principle of local self-government in the administration of the poor-laws. I think that principle most valuable, but under such a system as that of which I now speak, it would either be abandoned at once, as wholly impracticable, or speedily brought into such discredit as to make the nation cry out for its abandonment.

The only safe course, as it seems to me, is to adopt the recommendation of the Committee of 1847, and take the union as the area of chargeability. Assuming, for the present, that the House will be disposed to adopt this view, a question of great importance arises—namely, in what proportion ought the parishes to contribute towards the common fund of the union? Only two modes of solving this question appear to me practicable. The first is, that the parishes shall hereafter contribute to the common fund, according to a fixed scale formed upon the present averages. To this arrangement, however, there is a double objection. If the scale of contribution should remain fixed, while the relative value of the property in the several parishes is changing—for example, by the opening or closing of a manufactory, or, perhaps, by the discovery of a mineral spring, which may give birth to a second Harrogate or Cheltenham—it is obvious that great unfairness and inequality would soon exist. Besides, if the close parishes which have reduced their own burdens hitherto at the expense of the open parishes in the union, by driving all the labourers into the latter for a residence, were to contribute, hereafter, to the common fund, according to the averages which the close parishes have rendered unduly favourable to themselves, the consequence would be that they would derive a perpetual benefit from their own past injustice. As one of the witnesses before the Committee of 1847 expressed it, that injustice would be “stereotyped” for all future time. The only alternative, as it seems to me, is, that all the rateable property within the union should contribute according to its value, so that there would be an equal and uniform rate of contribution throughout

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each union, as there is now throughout each parish. It may be said, however, that to introduce this equality all at once, would be productive of hardship in some cases of existing engagements. That consideration, I certainly think, entitled to the attention of the House; and what I propose, therefore, is, that ultimately there should be an equal rate of contribution by all the rateable property in the union, such ultimate equality to be arrived at by gradual approximation. The Bill proposes a period of ten years for that purpose. With this, however, as with every other matter of detail, the House will, of course, be at full liberty to deal, when the Bill shall go into Committee.

It is proposed that the substitution of the union for the parish, as the area of chargeability, should extend to all those unions which are formed under the Poor Law Amendment Act, and whose affairs are managed by Boards of Guardians representing the whole body of ratepayers within the respective unions. In other cases, which are chiefly those of large towns, each equal in population to an ordinary union, and many of them under local acts, it is not proposed to interfere either with the area of chargeability or the mode of rating.

Sir, if the plan of which I have now had the honour of laying an outline before the House, should be found to infringe in any manner, or to any extent, upon existing interests, I shall be very sorry for it; but I fear that it would be difficult, and, indeed, impossible, to make any improvement whatever in our poor-laws without some interference of that kind. I do not believe that you can adopt any legislation upon this subject without prejudice to some class of interests; I am convinced that you cannot let the law remain as it is without prejudice to all. My anxious wish has been, in devising a remedy, so to frame it that any interference with private interests may be as little as possible in point of amount, and as justifiable as possible in point of principle.

With regard to the details of this Bill, I have not dwelt upon them long, nor described them with any great degree of particularity, because there will be ample opportunity for discussing them whenever the Bill shall be allowed to go into Committee. My earnest wish is, to make them as free from all reasonable objections as I can. For that purpose, I shall think my-

self greatly obliged by suggestions from any quarter; and I can promise to any Gentleman who may honour me with them, either in the House or out of the House, either before going into Committee or when we have arrived there, that I will receive each with very sincere gratitude, and pay to each the most earnest and respectful attention.

Sir, I have now only to thank the House for the great indulgence which they have extended to me in bringing this measure before them; and, for the sake of all the great interests which it affects, I beseech them to give it a candid, dispassionate, and full consideration.

I beg leave to move—

“That leave be given to bring in a Bill to Abolish in England and Wales the Compulsory Removal of the Poor on the Ground of Settlement; and to make Provision for the more Equitable Distribution of the Charge of Relief in Unions.”

MR. WALPOLE asked if any alteration would be made with regard to Irish settlements?

MR. BAINES said, that this Bill, as it related solely to the removability of persons, on the ground of settlement, in the parishes of England and Wales, did not enter at all into the subject of Irish removal, because that rested on a totally different principle. It did not proceed on the ground of settlement, and was in some measure incorporated with the Scotch law on the same subject. He thought the present law was in a very unsatisfactory state—and that, whenever that subject was dealt with, it would be found that the English and Scotch law must be dealt with in a very different manner. He had confined himself in this Bill to the subject, sufficiently large, of settlement in England and Wales.

MR. W. MILES asked how the right hon. Gentleman intended to work out the principle of equal rating in ten years?

MR. BAINES replied, that in the first year he proposed to take one-tenth of the rateable value of the property in each parish, and nine-tenths of the average, and the second year two-tenths of the rateable value, and eight-tenths of the average; in the third year three-tenths, and seven-tenths, and so on until the expiration of the ninth year.

SIR GEORGE GREY said, he had listened with great satisfaction to the clear and able statement of the right hon. Gentleman. He could assure the right hon.

Gentleman that he would meet with the most cordial support from him in carrying out the principles on which his Bill was based. The measure proposed was in accordance with the Resolution of the Committee of 1847, and he had voted in favour of those Resolutions in that Committee. The right hon. Gentleman opposite (Mr. Walpole) had said across the table that the Resolutions of the Committee had not been reported to the House, but that arose from a Resolution being carried by a majority of one in the Committee not to report the recommendations to the House, the Member so voting being the hon. Member for Malton (Mr. J. E. Denison), and that only because he differed with regard to some of the Resolutions; but the two or three most important resolutions relating to the evils of the present law were passed unanimously, and the only difference was as to the remedy. They had agreed that the power of forcible removal of a poor man ought to be abolished. He had risen to ask the right hon. Gentleman who had proposed the measure, whether he had borne in mind one Resolution to which the Committee of 1847 had agreed, which was to the effect that if the principle of union chargeability should be adopted, it would be desirable, if not absolutely necessary, to make some alteration in the boundaries of the Unions? In the cases of small parishes in the neighbourhood of large towns, great hardships might result. He wished, therefore, to ask the right hon. Gentleman whether he had it in contemplation to propose that power should be given to alter the limits of the Unions?

MR. BAINES said, he believed that there was at present a power under the existing Poor Law to alter, if it should be found necessary to do so, the boundaries of the Unions; but if that were not considered enough, he would make the power more explicit in the Bill.

SIR GEORGE GREY said, he was glad to have drawn that statement from the right hon. Gentleman, because if such power had not existed, or had not been asked for, the measure might have been viewed with some degree of alarm.

MR. MILES said, he merely rose to call the attention of his right hon. Friend to the subject to which the right hon. Baronet (Sir G. Grey) had just referred. Very late last Session he had been obliged to bring forward a case in which an urban parish was united to a rural one, and

where two-thirds of the guardians were in favour of a dissolution of the Union, but had met with considerable obstruction from the remaining third. At that very moment (said the hon. Gentleman confronting directly the Treasury bench) he had two unions—the one in Gloucestershire, the other in Somersetshire—immediately in his eye—[*Laughter*—he begged pardon, immediately in his recollection—dividing which was the city of Bristol, whose affairs were administered under a local Act. Now, that city being inhabited generally by a wealthy population, the poorer portion of them had been driven out into the suburbs, which contained all the working classes; and yet they were about to commit the gross injustice of throwing the burden of their support upon Unions in either Gloucestershire or Somersetshire, between whom and themselves their existed not the smallest identity of interests; at least, it was not surely the intention of his right hon. Friend to maintain the Unions in precisely their present dimensions. He could not help wishing that the right hon. Gentleman had taken a more enlarged view of the subject; for the course adopted in reference to poor-law litigation seemed to him to have been most objectionable. He felt that it was a great pity that at the first passing of the Poor Law Amendment Act, the Gilbert Union Act and all other local Acts were not swept away, and the whole country put under one law and one superintendence. If they would grapple with the great question of the poor-law, let it not be, as hitherto, after a piecemeal fashion—ever and anon passing small enactments affecting the law in some minute degree. His right hon. Friend, it could not be denied, had undertaken a very large question; but he might rest assured that he would never be able to carry his Bill through without its undergoing a thorough investigation in those features of it which were deemed prejudicial to the rights of property. He wished to know from the right hon. Gentleman when certain returns, which he had originally moved for in 1852, and which were subsequently asked for by his hon. Friend the Member for West Worcestershire (Mr. Knight), would be laid upon the table of the House; for it was quite impossible to enter thoroughly into all the facts of the question until they were fully informed of the different rating and different rates in parts of different parishes connected with

*Mr. Miles*

Unions, nor would they otherwise be able to realise the promise contained in the Queen's Speech that in legislating on this subject injustice would be inflicted on none.

MR. PACKE said, he begged to thank the right hon. Gentleman the President of the Poor Law Board for his clear and lucid statement, and to say that he concurred in a great deal of what the right hon. Gentleman said as to the hardship inflicted on the poor man by the present law of removal. The right hon. Gentleman had referred to certain Returns relative to removals moved for by Captain Pelham in 1849, and it would be satisfactory, before he called upon the House to discuss the proposed Bill, to have those Returns brought down to the present time, because, from his (Mr. Packe's) experience as Chairman of Quarter Sessions in a populous county, he would say that the condition of the poor had been materially improved in that respect, and the results which had been referred to might rather be considered as bygone matters, than as belonging to the present time. Another point most material in his mind, was the alteration of the area of rating; and he felt confident that in many parts of the country that alteration of the area of rating from parishes to Unions would be productive of the grossest injustice. Land had been purchased, and was being purchased, comparatively free from rates on one side of a hedge, while on the other side the land was burdened with poor, and there was consequently a considerable difference in the purchase money. Therefore it would be a gross robbery upon those persons who had been purchasing property on the understanding that it was free from burdens, if the right hon. Gentleman's Bill were to saddle them with the charge of maintaining the poor of perhaps a large and populous neighbourhood. In his county there were a number of manufacturing and agricultural parishes mingled together, and where the manufacturing population resided the rates were very high, and it would be a serious injustice to make the other parishes contribute towards the expenses of those large manufacturing parishes. Under these circumstances, he thought, if the area of rating were increased, the area of rateable property should also be increased. It was not fair that landed property should be exclusively called on to contribute to the sustenance of the poor, and poor, too, that were never employed



by the land. The maintenance of the poor was morally compulsory upon all classes, and it was therefore morally right that all property in the country without exception should share in the expense of the maintenance of the poor.

LORD LOVAINE said, he wished to put two questions to the right hon. Gentleman—first, whether the Unions under the Gilbert Act would come under the operation of the Act? and, secondly, whether parishes like the metropolitan ones, which administered relief under local Acts, would be exempted under it? For if there were any bodies of the community administering relief which required to be amended, it was the metropolitan. A great portion of this vast city was inhabited exclusively by the poorer classes, and, as a consequence, the taxation fell exceedingly heavy on them, while the richer parishes were almost entirely exempt from charge. This was an anomaly.

MR. BAINES said, he must state that the Gilbert Unions were not comprised within the Bill. With regard to parishes under local Acts he could only say that the operation of the first portion of the Bill, namely, abolition of the power of removal, extended to the whole of England and Wales. The change in the area of taxation would extend to Unions formed under the Poor Law Amendment Act, and to no others.

MR. HILDYARD said, the present was a subject of great importance, and required serious consideration. Without disrespect to the great talent and industry displayed by the right hon. Gentleman, he must say that he could not altogether concur in the general favour with which the right hon. Gentleman's observations appeared to have been received. He thought the right hon. Gentleman had to a certain extent exaggerated the evils of the present Poor Law, and had rather described the state of things existing twenty years ago, when he and his right hon. Friend were engaged on circuit together. He would beg to remind the right hon. Gentleman that the state of the country was now very different from its condition at the period when the Report which had been read to the House was made. That was a period of very great distress, and therefore any defects inherent in the Poor Laws exhibited themselves with great intensity. Within the last two or three years, enormous emigration and other circumstances had, happily, mitigated the evils of a surplus population. He called the right hon. Gen-

tleman's attention to a serious defect in his scheme. For if he rightly understood that plan, it made every case of destitution chargeable where it stood. Now, what would be the consequence? Why a poor man dying, and leaving a widow and children, immediate means would be had recourse to to get them out of that Union into another; and he was quite certain that his hon. Friend would recollect that an analogous practice was formerly very much in vogue. At the same time, he was ready to admit that if the rating was by Unions, that the effect would be to get them across the borders. With regard to the area of rateability, he must say in the outset he very much disliked all legislation, which it was confessed, would inflict particular injustice; and his right hon. Friend must admit that such would be the consequence of his Bill, for otherwise why should he delay carrying his project into effect for ten years? He should like to know in what terms hon. Gentlemen opposite would characterise a proposition coming from that—the opposition—side of the House, which dealt with the perilled property of the country in such a manner? He did not wish to charge the right hon. Gentleman with deliberately proposing anything he felt to be unjust; but still, what was it but injustice to place upon well-managed parishes, where, by attention and kindness to the poor, and by furnishing them with the means of emigration, the rates had been reduced, the same burdens as those which ill-managed parishes had to bear? The whole of this subject would of course require grave and calm discussion; but feeling that the proposition before the House presented many serious difficulties, he must express his dissent to it until he had better means of forming a judgment in favour of the scheme.

MR. KNIGHT said, that if the right hon. Gentleman's proposition became law, millions' worth of property would change hands at once. The effect of increasing the rates of a parish by 2s. 6d. in the pound, would be to decrease the selling value of that parish by one-eighth. This would be, in such cases, nothing more or less than taking one acre or one house in eight from persons to whom it belonged, and giving it to some other parties. A great many parishes in England were lightly rated because they had taken great pains to reduce their poor-rates by good management, while others were heavily rated because they had neglected their

affairs. The people, then, who would be compelled to pay higher rates, were just those who had behaved well, and their contributions were given to those who had behaved ill. But this, it was said, was to be done in ten years, so that the hardship or injustice would be immaterial. He dissented from that view. A man had 800 acres of land in a parish. This Bill would increase his taxes half-a-crown in the pound—just one-eighth. Was not this practically taking 100 acres out of the 800? “No,” said the right hon. Gentleman, “we only propose to take a ten-acre field every year for the next ten years; and that is just.” He left the House to say what sort of justice it was. For his own part, he believed the House would require some very strong reasons before it thus consented to interfere with the title of every owner of lands and houses in England. Two classes of reasons had been mentioned—one actual, such as clearances and pulling down houses; the other theoretical, having reference to the employment of labour. In the Committee of 1847 a great number of Gentlemen connected with the Poor Law Board were examined, and they said great clearances were going on. They were asked where the clearances had taken place, but they could not say of their own knowledge that there had been any at all. Mr. R. Hall, one of the witnesses, gave in a statement of forty-four Unions under his charge, in which out of some 500 parishes only seventy-six were close. Of these seventy-six close parishes there were six in which houses had decreased since 1841, and in one of them the decrease amounted to eighteen houses. But in all the others it was merely nominal. It would have been well if the other witnesses had given in a list of the same kind, and had shown how many houses had been pulled down; but nothing could have been so unfair as to come forward with these charges of clearances, and then not to substantiate them. In the following year the late Mr. Charles Buller, then President of the Poor Law Board, expressed a desire for more definite evidence and information, and sent gentlemen into several counties to inquire into the facts; and Mr. Weale was sent into Bedfordshire, and Mr. Hanley into Northumberland, but these gentlemen failed to make out any case at all. Other gentlemen who had been sent out, reported only a few cases of pulling down and clearances. When he was Secretary to the Poor Law Board under his right hon. Friend in the

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preceding Administration, he (Sir J. Trollope) said to him, “Now, this is the question above all others connected with the Poor Laws. Here are the papers, and I wish you to study the question so as to be able to give your opinion at the board.” He conceived that was what secretaries of public boards were generally called on to do. He had examined the reports in this way. He had placed all the parishes which were called close on one list, and all the parishes which were called open on another; and though the Government to which he belonged went out, and he was therefore unable to state the results to the board, he had possessed himself of a considerable amount of interesting and, as he thought, valuable information, which he hoped shortly to lay before the House. They had heard a great deal of the “shifting of burdens,” but he could show that from 1815 to 1847 there had been, he might say, no clearances in England—that the whole charge was a joke. He did not mean to say that there had not been cases in which houses were pulled down in some parishes, but what he did assert was, that on the whole there had been in the parishes a large increase of houses; in most close parishes a great increase of houses and population, and that almost invariably the houses had increased more than the population, which showed the population had not been driven out. With respect to towns and open parishes of that kind, he found that the houses had increased in a very much larger degree than the population, and he could prove, moreover, that the increase of the value of real property in open parishes had been enormously more than in close parishes. The gain had been almost entirely in favour of the larger and more populous parishes since 1815. In the last named year they would find that, by taking the average percentage paid by counties, the difference between the highest and the lowest counties was from 3s. 6d. to 3s. 9d., but at present the difference was only 1s. 6d., so that the process of equalisation had been rapidly going on. He warned the right hon. Gentleman that there was a large party who would vote for this Bill as a step towards the introduction of a national rate, because if the principle of equalisation was to be admitted, the House could not stop short of it. There could be no sort of doubt that a national rate must be the result of extending the area of taxation at this moment. With respect to the differences in the size of parishes, to which the

right hon. Gentlemen had alluded, it was to be observed that Unions also varied considerably in extent. The writers on Poor Laws of the present generation had been in the habit of attributing the evils of those laws to the Statute of Charles II. the Act of Settlement—which was in fact the foundation of our present system. Mr. Coode had proved that during the first sixty years of the passing of the 43rd of Elizabeth it had been impossible to feed the poor—they were starving; and until the localisation of the poor by the Act of Settlement there was no poor-law in England. Before the Act passed, villages were pulled down and the population swept away; and in Scotland and Ireland, where no settlement law existed, the same thing went on to this day. No one could do that now. No one dared to do so, because he would throw so many paupers on his hands, and therefore he found labour for them instead. Marshes had been drained, woods grubbed up, and wastes cleared, and roads constructed under the inducements to employ the people occasioned by this Act, and this pressure on the owners of property had been most advantageous to the country, and of the highest benefit to the poor. During the French war, when everything was very dear, and taxation very high, Mr. Pitt met the evils which arose by granting more relief, and thus kept the people quiet, and carried us through the war. The rates were more than 2s. 6d. in the pound all over England; but the value of real property must have increased nearly 50 per cent during the war, and no one was a loser and the poor gained enormously. With reference to what would be the effect of doing away with the law of settlement, the right hon. Gentleman said that it was urged that the present system gave the advantage to old men, and forced the young men to seek elsewhere for work. But for what class, he would ask, was the poor-law especially intended? Was it meant to benefit the young man, or the aged and infirm? If the effect of the abolition of the law of settlement would be, as was suggested, that the young men would be employed in preference to the old, it would follow as a necessary consequence that the old must go to the workhouse. They would give a present advantage to the young man; but how long would it last? In the course, probably, of ten years, a fit of rheumatism or some other cause made him also infirm, and then the workhouse must be his fate also.

What they proposed to do was to benefit him when he did not want it—when he could go, and, under the present system, did go, into the manufacturing districts, and obtain employment there—and to give him this temporary benefit to the injury of the old man, who was unable to go away if he desired it, and for whom especially the poor-law was established. It was better to find labour for the old men than to throw them wholly on the rates; this had been the great secret of the quiet and comfort of the English people, and it could not be for their good, therefore, to abolish the law of settlement. Mr. Coode, Mr. Chadwick, and all the persons who had written on this subject during the last twenty years, state that the manufacturers get as many men as they require, but it was not the best labour. What did they mean? They assert that by the present system the best hands are thrown out of employ, and yet that the towns did not get them. Where, then, did they go? There could be no doubt but that the young men went to the towns, and that the old ones, with their families, stayed at home. He felt certain that he could prove from the evidence of these gentlemen (Mr. Chadwick and others) that the proposed alterations would have the effect of throwing partially infirm labourers with large families entirely on the rates. If they were to take away the law of settlement, they would do the greatest amount of injury to the poor. The Act of Settlement passed in the reign of Charles II. he considered was the foundation of the relief of the English poor. The opinions of many—among others, Adam Smith and Pitt—had been cited as decidedly opposed to the law of settlement, but their opinions were not as to our law of settlement, but the old law, by which a man could be removed the moment he went into a parish. Mr. Pitt, in 1796, laid on the table of the House a Bill in which he proposed that a five years' residence should constitute a settlement. He did not proceed further after this, but desired that they should wait and see the effect of the alterations made; and afterwards, when Premier, he never introduced any further measure on this subject, as he evidently considered everything had been settled satisfactorily. A great deal had been said with reference to the labourers living a long way from their work, and it had been attributed to the small size of the parishes. His (Mr. Knight's) attention had been drawn to a statement of Howell's Report, in which

it was stated that in the parish of Worksop, consisting of 18,000 acres, almost all the agricultural labourers resided in the town of Worksop. So on the Continent, where there was no poor-law, they found the agricultural labourers living in large towns, with a much greater distance to go to their work than in England. He was certain that all that had been asserted by Gentlemen on this point was untenable. Mr. Chadwick had brought forward statistics showing that these close parishes drive the people into the towns, owing to the misery existing in the agricultural districts; he (Mr. Knight) had taken the towns mentioned, and found that in 1840 the average of the agricultural population living in them was 1 in 36; while in 1841 it had decreased nearly one-half, as the average was only 1 in 70. The whole of these statistics, therefore, he considered incapable of proof, and ought not to be the ground of any measure by which so great an alteration would be made in the value of real property; and he also felt sure, if the subject were looked into, it could not be shown that the poor would be any gainers by it. In the great case that had been legislated on (the Stockport Union case), he might absolutely assert that the hardships that had there arisen arose in a great measure from the cruelty of the guardians, as the relief administered was ridiculously small. According to Mr. Goppock, 21,391 persons were relieved out of the house, while the amount of relief was 8,871*l.*, or only 8*s.* 3½*d.* per head per annum; but this case could not now be brought forward, and all cases of hardship that were must be shown to have taken place since the passing of the Five Years' Act. There were a great many considerations to be gone into, and he hoped an early day would be fixed for a full discussion of the question, when he thought he should be able to show that no real case existed for disturbing the value of nine-tenths of the real property of England. He must strongly condemn the impropriety of placing in the hands of the landlords the power of turning off a number of people from their estates, without their Union rates being much enlarged. He considered the right the poor had to dwell in their homes, over which their landlords had not this absolute control, an inestimable advantage, far greater than they would derive from the proposed measure. What they would do by abolishing settlement would be to put the poor entirely into

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the hands of their landlords or employers, bound hand and foot, who could do with them just what they pleased. He begged to apologise for having trespassed at such length upon the patience of the House, more especially as he had come down quite unprepared to address them. Upon a future occasion he hoped to be better prepared upon the question.

MR. VERNON SMITH said, he could not enter into such details as those offered by the hon. Gentleman who had just sat down, because he had not the advantage enjoyed by his right hon. Friend the late President of the Poor Law Board of possessing so able a secretary to prepare his speeches, although the question, as the hon. Member had stated it, might perhaps have been more appropriately reserved for the second reading of the Bill. The opposition of the hon. Member, as he (Mr. V. Smith) understood it, was directed to any alteration of the law; but the hon. Member did not state on what occasion the speech which he had prepared for his right hon. Friend was to have been delivered—whether it was on bringing in a Bill similar to the present for an alteration of the law, or whether it was in opposition to any alteration of the law—[Mr. KNIGHT: Generally.] He regretted extremely that his right hon. Friend had not had the opportunity afforded him; for though he (Mr. V. Smith) was one of those who assisted in turning his right hon. Friend out of office, he should certainly liked to have heard that general statement. Perhaps the House would, in the course of this discussion, be informed whether or not his right hon. Friend coincided with his hon. secretary. He presumed his right hon. Friend did not; for, he believed, in case his right hon. Friend cast his eye over the information which certain localities with which they were both acquainted supplied, he would be led to a totally different conclusion. His object, however, in rising was to state his infinite satisfaction that his right hon. Friend (Mr. Raines) had resolved on putting his shoulder to the wheel and dealing with the question in the manner he proposed to do. Two assertions had been made by the hon. and learned Member for Whitehaven (Mr. Hildyard) in contradiction to his right hon. Friend. One of these was, that the state of the law was not so bad as was supposed; and that his right hon. Friend had taken his facts from the period when they were both occupied in



trying causes on circuit, and not from the present time. Now so far as his (Mr. V. Smith's) experience went, he was prepared to say that the law of settlement was as great an evil as the poor man had to deal with in this country. If it were not so, certainly the hon. Member (Mr. Knight) would be perfectly correct in opposing and endeavouring to throw out the Bill altogether, for there would be no case for proceeding if the preamble of his right hon. Friend were not proved. If it were not true, as Adam Smith wrote, many years ago, that this law was the greatest of curses to the poor man—if it were not true, as was asserted by the Commissioners who had been directed to report on the question that it was an evil; if it were not true, as was declared by the Committee of 1847, that it ought to be abolished, then let the House throw out the Bill of his right hon. Friend because the preamble could not be proved. In addition to all these authorities there was also the report of Sir George Nicholls, formerly one of the Poor Law Commissioners, which corroborated all his right hon. Friend had stated that night. He (Mr. V. Smith) had had some experience upon the subject, and could take upon himself to say that a greater evil both to employer and employed did not exist than that law; and, moreover, he did not think his right hon. Friend had exaggerated, but had rather underrated the evil. It met the employer at every turn, who was constantly told, almost in terms, that he should never employ any one out of his own parish. The other assertion made by the hon. and learned Member for Whitehaven was, that the abolition of the law would be an injustice to property. But what his right hon. Friend (Mr. Baines) contended was, that there was a manifest injustice in the state of the poor; and he (Mr. V. Smith) would tell the hon. and learned Member to remedy the injustice to poverty, and then he would join him in rendering justice to property. It was because his right hon. Friend had made out an undeniable case that the poor man was unjustly treated in this country by the law of settlement, that he was prepared to do what, he admitted with the hon. Gentleman opposite (Mr. Knight), might, to a certain extent, be a species of injustice to a particular species of property. That he was perfectly ready to admit; but what great measures were not attended with some injustice to some species of property or other in a state of civilisation such as that

in which we existed? He confessed that he was surprised that there had not been an outcry among the poor throughout the breadth of the land against this law, and he could only attribute their silence to the fact of their total ignorance of the real law. They confounded settlement and relief, and did not know that relief was the right of destitution. He was convinced, if the poor could read the speech of his right hon. Friend, that they would be very strongly opposed to the existing law. The hon. Member also said the present measure was but a step to a national rate. He had no hesitation in declaring that, if it were possible or achievable, a national rate would be preferable to a Union rate, because the wider the extent of surface the better would it be. But a national rate was, in his mind, utterly impossible. The destruction of self-government, and of the entire resources of the kingdom, which would be occasioned by their utter inability to provide any tribunal that would distribute the money, put a national rate altogether out of the question. At the same time the principle of a national rate he was perfectly ready to admit. The difficulty was, then, where to find a district at once so large as to prevent its being entirely in the hands of a single proprietor, and, at the same time, so small as to excite the energies of the guardians to limit the multiplication of paupers. He thought that his right hon. Friend had done perfectly right in fixing his districts, and his hope was that those districts would prevent the evils which had hitherto existed both to employers and employed. With regard to the averages, that was a question of detail when the Bill was in Committee; but, as his right hon. Friend had stated his plan, it appeared to be reasonable enough, taking, as he understood it, a vanishing scale of ten years. The hon. Gentleman opposite had stated that the subject should not be dealt with piecemeal. He thought that his right hon. Friend had taken a good slice to begin with; but he trusted that the Government would not be satisfied with that as the only measure. He hoped to see introduced a Highway Bill, which was so materially connected with the poor-law that no one knew what ought to fall upon the poor-rate and what upon the highway rate. He hoped that this was to be considered as a measure of the Government, to be carried forward with zeal and assiduity, and regarded as one of the measures of the Session, which would

be passed into a law, and not dropped after passing through Committee, or on the third reading. In so doing the Government would confer one of the greatest benefits ever bestowed on the poor of this country.

SIR JOHN TROLLOPE said, that his hon. Friend (Mr. Knight) having personally alluded to him, and the right hon. Gentleman (Mr. V. Smith) having done the same, he thought himself called upon to make some answer to the allegation of his hon. Friend. The hon. Gentleman stated that he (Sir J. Trollope) instructed him to prepare materials on this subject. It was evident they were for the hon. Gentleman's own use, and he had evidently taken very great pains about them, but he had never communicated his information to him (Sir J. Trollope) till that evening. He (Sir J. Trollope), therefore, was quite unprepared for the very voluminous statement which his hon. Friend had given them that evening, and which he threatened to enlarge on a future occasion. Turning to the proposition before them, he must say that he had always been at a loss to know why a town should be managed differently from a rural district, and why portions of the same town should be differently situated with regard to the general law. He thought it a defect in the right hon. Gentleman's measure that he did not propose to deal on the present occasion with those places hitherto exempted from the general management of the Poor Law Board, such as the Gilbert Unions—it being obvious to all how very superior was the management of those places which were under the direction of the Poor Law Board. The right hon. Gentleman (Mr. V. Smith) had spoken of this as hoping it would be made a Government measure; he (Sir J. Trollope) hoped it would not be made a party measure, but would be carried after due reflection, and with such amendments as those best acquainted with the subject should maturely recommend. In this way a judicious measure might be passed, and one which would be a blessing to the poor. That was the spirit in which he was prepared to come to the discussion of this question.

MR. J. O'CONNELL said, he fully concurred in the views which had been expressed as to the failure of the law of settlement, but he was anxious to know what were the intentions of the Government with regard to Ireland. He trusted that the same zeal which the right

hon. President of the Poor Law Board had manifested for the welfare of the people of England, and the good working of the poor-law, would be manifested in devising a better system for Ireland.

MR. HENLEY said, the subject was one the importance of which it was impossible to overrate, and scarcely possible sufficiently to appreciate, because it involved the good or evil of the poor, and as far as it could be judged of at present, the actual confiscation of a large portion of the property of the country. He hoped the right hon. Gentleman would lay on the table before the second reading such information with respect to the Unions throughout the country as would enable the House to judge what the amount of the shifting the burden would be. This ought in common justice to be done, that they might not take a step which would impose on some parishes more than treble the amount of their income tax, and relieve others to an equal extent. As he had understood the right hon. Gentleman, he meant to exempt all parishes under local and Gilbert Acts. [MR. BAINES: From the rating part.] He was speaking with reference to the rating part. No attempt was made to remedy the inequality where all the poor lived in one parish of a town, and all the rich in another parish of the same town. He could not understand what the object was of dealing with land merely as opposed to real property in houses. As he had understood the right hon. Gentleman, when alluding to the area of rating, it appeared that he did not wish the area to be so large that the ratepayers should cease to feel an interest in looking after the expenditure of the rates. Was he prepared to say that the Unions were all to be of one size, and that it was possible to give all the ratepayers a common interest in them? In his opinion, so great were the inequalities in the size of the Unions, that that part of the proposal would not be suitable for the end in view. As regarded the removal of the poor, and the evils spoken of in connexion with it, the right hon. Gentleman had to consider the difficulty arising out of the case of the Irish poor. Did he think that the Irish could be removed to Ireland, if the English could not be removed? It would be impossible to say that we would not permit the English to be removed on the ground of hardship and cruelty, and yet to continue the removal of the Irish with the very same grounds, whatever they might be,

for its discontinuance. The right hon. Gentleman had referred to the Reports of the Inspectors appointed to collect further information on the subject than was possessed by the Committee of 1847. These gentlemen had certainly stated strong opinions, but they had reported much on hearsay; and he believed, in reference to many of the parishes, the cases were the reverse of what they had stated. All that part of the right hon. Gentleman's case that rested on the Reports of those gentlemen rested, in his opinion, on no foundation at all. One other point—the possible evil to the poor themselves—had been adverted to. If the view which he took was correct, a very large pecuniary burden would fall on many parishes—on property which for 300 years had been exempt from such a burden; and the result would be that in some way or other attempts would be made to get rid of the burden. The question was, whether the poor might not be sufferers. The right hon. Gentleman thought the measure would confer a great benefit on the poor. He believed that if the poor throughout England were consulted on the question, a vast majority of them would be against the change proposed. He believed that they understood this question thoroughly, and that they were as much attached to their parish as any man was to his country. That feeling was strong in the rural districts. The right hon. Gentleman had not stated what provisions he intended to introduce with regard to charities. A great many charities at present were distributable among certain inhabitants of a parish. That was an important question, but it was not touched on by the right hon. Gentleman, though it ought to be considered when it was proposed to do away with the law of settlement and removal—

MR. BAINES: The law of settlement is not touched, only the law of removal.

MR. HENLEY: The power of settlement would be virtually abolished. He had never seen any evidence to convince him that the evils of the law of settlement were so great as they had been represented. Before dealing with the question they ought to be told what it was proposed to do with the Irish poor. He should consider the measure as dispassionately as he could, but he hoped the right hon. Gentleman would not yield to the suggestion of the right hon. Gentleman the Member for Northampton (Mr. V. Smith) to make this

a Government measure, for that would give it a party character.

MR. VERNON SMITH said, he must beg to explain that he by no means wished the question to be made a party question. His object was to induce the Government to press the measure forward in such a manner as to show their desire to carry it.

SIR JOHN SHELLEY said, he was of opinion that the proposal of the right hon. Gentleman with respect to the removal of the poor would, so far as the agricultural districts were concerned, tend to foster a free trade in labour. In the case of the metropolitan parishes, however, he was not quite sure that the effect of the measure might not be to increase vagrancy. He should also observe that he had heard no good argument advanced in favour of Union as opposed to parochial rating; and he could not refrain from expressing a hope that if the right hon. Gentleman should succeed in establishing a Union rating, he should take care that the subject of the arrears which existed in those Unions should be thoroughly investigated.

LORD CLAUD HAMILTON said, he would remind the House that whilst the scheme, if carried out, would put an end to the removal of paupers from one part of England to another, the right hon. Gentleman retained the power of the Poor Law Union to send back to Ireland those paupers who might be of Irish origin. In that respect he considered the right hon. Gentleman had committed a grievous error, and one that would tend, as far as he could see, to inflict great hardship and injustice on that country. The system of poor-law removal in England was based on this broad foundation, that if the pauper was not justly chargeable to one parish, he might be removed to that to which he was chargeable. Now, what was the case with regard to Ireland? Did they remove an Irish pauper and his family from a place to which he was not chargeable, to a place to which he was chargeable? No such thing. They sent them to the nearest port, and in some cases they had died on the decks of the steamers from starvation. But, supposing them to arrive at the nearest port, their place of settlement might be 200 miles distant. The hon. Member for Clonmel (Mr. J. O'Connell), who had almost spoken as though he represented the whole of Ireland, had invited the right hon. Gentleman (Mr. Baines) to extend this sort of legislation to Ire-

land. In doing so, that hon. Gentleman seemed to have forgotten that the only thing which enabled the Irish poor-law to meet and to survive the distress of the years 1846 and 1847, was the multiplication, and the consequent diminution of the size, of the Unions, by which means the liability to taxation was brought home to a smaller area, and every man was induced to look more keenly after the affairs of his own neighbourhood. He (Lord C. Hamilton) must protest against any English Member being led away with the idea that Ireland had thriven under the system now proposed for the benefit of England.

SIR JOHN PAKINGTON said, he was desirous not to detain the House at that late hour, but he felt himself called upon to offer a few observations upon the subject under discussion. His remarks, however, would be but few, inasmuch as a great part of what he desired to say had been anticipated by his right hon. Friend the Member for Oxfordshire (Mr. Henley). The subject under debate had been introduced to-night by his right hon. Friend opposite (Mr. Baines) with that ability which all must have expected from his great knowledge of the subject; and he (Sir J. Pakington) must, for one, express very great satisfaction that it was the decision of Her Majesty's Government to have this important question, with all its difficulties, great as they must be acknowledged to be, fairly discussed and debated by the House. He was one of those who had been for some years of opinion that the law of removal was one which had inflicted very great hardship and great suffering upon the working classes of this country. He must also confess he had long been of opinion that, if the law of removal were abandoned, it would be very difficult, if not impossible, to retain the present system of parochial rating. But there could be no doubt that feelings of very considerable alarm had sprung up, and he thought those feelings of alarm had very much increased of late in two respects connected with this difficult question. He thought a feeling of alarm had very much obtained lest any change in the law of settlement and removal, while it would do away with some sources of hardship and suffering to the labouring classes, might be the means of inflicting on them others of no less important a nature; and he thought this alarm had been founded a good deal upon the circumstances

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to which his right hon. Friend opposite (Mr. Baines) had himself alluded, namely, the efforts they had all seen in various parts of the country, to adopt contrivances to defeat the Five Years' Act, and, by forcing parties to change their residence after a certain period, to deprive them of the benefit that the Five Years' Act was intended to confer on them. A feeling of alarm had naturally arisen, that if the poor man were deprived of that right to relief in given localities, which he now enjoyed, another hardship might be inflicted. His right hon. Friend opposite (Mr. Baines) said with great truth that the claim to relief in this country was founded, not on settlement, but upon destitution; but still the claim to relief was much assisted by the fact of settlement: the man who became destitute had an advantage in demanding relief, if he could urge the claim of settlement. There was danger lest the man who would not urge that claim might be "bandied about," as the expression was, from one part of the country to another. Thus, while a hardship of one sort might be avoided, a hardship of another kind would be incurred. He, however, understood his right hon. Friend to have explained this evening that, although he proposed to do away with the power of removal, he did not propose to touch the right of settlement. He hoped his right hon. Friend would make that matter perfectly clear, because he thought it was an important feature in the proposed Bill, and one that would tend very much to remove that class of alarm to which he had alluded. The other source of alarm he wished to refer to had been much dwelt upon by his hon. Friend behind him, and it was that which arose from a dread that if the House introduced Union rating, the value of property in the country would be materially affected. This was a most serious matter for consideration. He (Sir J. Pakington) had expressed an opinion that if the law of removal were done away with, it would be difficult to retain parochial rating, and if parochial rating were abandoned they must resort to Union rating. The hon. Member for West Worcestershire (Mr. Knight) had devoted great ability and labour to the preparation of statistics upon this important question. He was glad to hear they would be printed, and he hoped they would be printed in time to enable the House to benefit by them in this discussion. He was sure his right hon. Friend opposite (Mr. Baines) would give to them the con-



sideration which was undoubtedly due to them. For his own part, he should reserve his judgment upon this part of the question till he had more matter before him. He hoped the right hon. President of the Poor Law Board would attend to the suggestion of the right hon. Member for Oxfordshire (Mr. Henley) to furnish anything that could throw light upon the subject, and he trusted that if the feeling of the country was found adverse to and entertained well-grounded apprehensions as to the effects of Union rating, his right hon. Friend (Mr. Baines) would direct his attention to whether it was possible to gain the benefit of doing away with the law of removal, and, at the same time, retaining parochial rating. He acknowledged that there would be great difficulty in doing so; but he hoped his right hon. Friend would give his whole mind to the consideration of the question, and that the benefits of doing away with the law of removal might be obtained without any accompanying disadvantages. He trusted, after what had passed, that his right hon. Friend would gravely consider what to do with Ireland. In a subject of this magnitude, affecting the whole internal economy of the country, his right hon. Friend would do well to grapple with the whole of the subject, and not shrink from facing the Irish question, merely because some additional difficulty might be placed upon him. He (Sir J. Pakington) would not detain the House further than to express unqualified approbation of one feature that had distinguished the debate this evening, and which he hoped would continue—namely, the total absence of all party feeling on this subject. The question was one of great difficulty, affecting, as he had said before, the internal economy of the country. He thought Her Majesty's Government had done well in calling attention to it, and he hoped the subject would be discussed with an anxious desire to aid and assist Government.

Mr. MAGUIRE said, he had been applied to for assistance by 100 or 200 persons who had suffered most grievously from the present state of the poor-law. They had spent most of their lives in England; they had almost lost all recollection of Ireland, and had even so entirely obtained the English accent, that they might have passed for Englishmen; and yet by the atrocious barbarity of the present law, they had, when they became chargeable to the poor-rates, been removed from England to

Ireland. He understood that the effect of this Bill would be, that if an Englishman left his own parish, and went to Manchester or any other manufacturing town, and there lived and worked for four, six or ten years, he would have a right to be relieved there, and would not be liable to removal. Would an Irishman who had lived and laboured in an English town for a similar period have a similar right, as he certainly ought to have, under this Bill, and no longer be subjected to the hardships of removal. He thought that no one could doubt that some alteration should be made in the present system, by which Irishmen becoming chargeable in an English town might be taken to the nearest English port, be there shipped on board a vessel, and landed at the nearest Irish port, although it might be at the opposite extremity of the island from their birth-place. He had himself known cases in which persons from the north of Ireland had been landed on the quays of Cork. It had been said that the feeling in Ireland was strongly in favour of a small area for rating; he believed, however, that this was not the case, but that the general opinion was in favour of Union rating, some persons going even further, and desiring national rating. He could not conclude without expressing his admiration of the humane spirit which had dictated the present measure, and of the ability and clearness with which it had been introduced to the House.

Mr. BARROW said, he wished to know whether the right hon. Gentleman the President of the Poor Law Board would have any objection to furnish the House with returns showing the number of orders of removal during the last year, and the expense incurred by each parish on this account? He believed it would be seen that the restrictions placed upon the removal of paupers by the previous measure had materially lessened the number of cases of this kind, and that, therefore, the advantage to be derived from this Bill would not be so great as some hon. Members seemed to expect.

SIR GEORGE TYLER said, the paupers in the Union with which he was connected were all placed on the same footing. No distinction was made between an Irish and an English pauper. They were relieved under the same law, and protected by the same law. He would ask the hon. Member for Dungarvan (Mr. Maguire), after the language he used with reference to the treatment of Irish paupers in England,

how it happened that shiploads after shiploads of Irish paupers were sent over from Ireland to this country, and left to shift for themselves? These paupers were always received into English Unions, and provided for. He mentioned this in answer to what had fallen from Irish Members with reference to the treatment of Irish paupers in England.

MR. BAINES said, he should be extremely ungrateful if he did not tender his most respectful acknowledgments for the indulgent manner in which the House had received the measure which he had had the honour of laying before it. As there would be abundant opportunities for future discussion, he thought he should make the best acknowledgment of that indulgence by not going into details upon any of the points which had been adverted to in the course of the debate. The hon. Member for Dungarvan (Mr. Maguire) had, however, made an inquiry to which it would be right to give a reply. The hon. Gentleman had asked what the effect of this Bill would be with regard to the condition of Irish paupers. Now this measure would not affect their condition; it certainly would not prejudice it in any way. He (Mr. Baines) had already expressed the opinion that the existing legislation on this subject was not satisfactory; but, for reasons he had mentioned, he had thought it advisable to confine this Bill to the subject of removals on the grounds of settlement. That was a very large subject in itself, and quite enough for present consideration in this Bill. The righthon. Gentleman the Member for Oxfordshire (Mr. Henley), and the righthon. Member for Droitwich (Sir J. Pakington), had both expressed a hope that ample time would be given for the consideration of the measure. If those right hon. Gentlemen had not expressed that hope, he (Mr. Baines) should have done so, believing that the fullest time ought to be allowed for its consideration and calm discussion. Before the day appointed for the second reading, which he proposed should stand for this day month, March 10, he hoped there would be in the possession of hon. Members a valuable Return moved for by his hon Friend the Member for Somersetshire (Mr. Miles) which would afford information upon many points on which it was desirable that light should be thrown. He believed he could say positively that that information would be in the hands of hon. Members before the second reading of the Bill.

Leave given.

*Sir G. Tyler*

Bill ordered to be brought in by Mr. Baines, Viscount Palmerston, and Mr. Grenville Berkeley.

Bill read 1<sup>o</sup>.

#### IMPROVEMENT OF TOWNS (IRELAND) BILL.

SIR JOHN YOUNG moved for leave to bring in a Bill to make better provision for the paving, lighting, and rating of towns in Ireland, and in doing so he said he wished in the first place to disclaim any originality in its conception beyond that of adapting to it the clauses of various other Bills. The Act which now regulated the towns of Ireland, not regulated by local or special Acts, was the 9th of George IV., c. 82, which, although sound in principle, was one which the necessities of the country had quite outgrown. The present Bill would do away with many of the difficulties which now existed in consequence of that state of things. It first provided for the election of Commissioners (whose qualification would be fixed at 12l. both in large and small towns), for their meetings and proceedings, for the purchase of land, for sewers, drainage, construction of new streets, cleansing, and prevention of nuisances, including the subject of burials and burial grounds. It gave powers with regard to rating and general assessment. Accounts were to be kept and duly audited, and the Commissioners were to be enabled to borrow money under certain restrictions, on the security of the rates. The Commissioners would have power to supply the town with water in those cases in which no water company existed, but considering the difficulties which stood in the way, he did not propose to give them power to supply the town with gas.

Leave given.

Bill ordered to be brought in by Sir John Young, Viscount Palmerston, and Mr. Solicitor General for Ireland.

The House adjourned at a quarter before One o'clock, till *Monday* next.

#### HOUSE OF LORDS,

*Monday, February 13, 1854.*

MINUTES.] PUBLIC BILL.—2<sup>d</sup> Assessed Taxes Act Amendment.

#### THE NEUTRALITY OF THE BALTIC POWERS.

THE EARL OF ELLENBOROUGH wished to ask the noble Lord at the head of the Foreign Office, whether there was

any objection on the part of Her Majesty's Government to lay before the House any communications which had taken place between our Government and those of Denmark, and of Sweden and Norway, with respect to the neutrality which those Powers proposed to maintain in the event of war in the Baltic?

**THE EARL OF CLARENDON:** There will be no objection to produce those papers—that is to say, the announcement made to Her Majesty's Government by those of Denmark, and of Sweden and Norway, with respect to the policy of neutrality which they intend to pursue, and the manner in which that policy is to be carried out; and also the answer which has been returned by Her Majesty's Government to that communication.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Monday, February 13, 1854.*

**MINUTES.] NEW MEMBER SWORN.**—For Brecknock, John Lloyd Vaughan Watkins, Esq.

**PUBLIC BILL.**—1<sup>o</sup> Church Building Acts Amendment.

### RUSSIA AND THE PORTE—

#### MOVEMENT OF THE FLEETS—QUESTIONS.

**MR. LAYARD:** I rise to ask the noble Lord the Member for the City of London two questions of considerable importance. Before I put the first of these questions, I trust the House will permit me briefly to advert to some circumstances connected with the subject to which it refers. I beg to call the attention of the House to a despatch which has appeared in the newspapers, and which was addressed to the noble Lord at the head of the Foreign Office (the Earl of Clarendon) by Lord Cowley, our Ambassador at the French Court. That despatch is dated Dec. 5, and in it is stated that M. Drouyn de Lhuys had made inquiries of Lord Cowley with respect to the nature of the instructions which had been given to our Ambassador at Constantinople, Lord Stratford de Redcliffe, in reference to the fleets. It appears that at that time some disagreement had taken place between Lord Stratford de Redcliffe and Admiral Dundas upon the subject. Lord Clarendon, in reply to the despatch of Lord Cowley, stated that no instructions had been issued by Her Majesty's Government to our Ambassador at Constantinople but those which were in the possession of the French Government,

and that those instructions were that Admiral Dundas was "to comply with any requisition in regard to the movements and operations of the fleet under his orders which he may receive from Her Majesty's Ambassador." It appears, therefore, that so far back as the 5th of December last some disagreement occurred at Constantinople between our Ambassador at the Court of the Sultan and Admiral Dundas; that the disagreement in question had become matter of public notoriety, and had led to the production of some very painful impressions. A few evenings ago the hon. Member for Roscommon (Mr. French) addressed a question to the noble Lord with reference to the return of the fleet to the Bosphorus. It seems that Lord Stratford de Redcliffe had ordered the fleet into the Black Sea; that Admiral Dundas had since returned to Constantinople, and that on his return he had met a steamer which had been despatched by Lord Stratford de Redcliffe, and whose captain conveyed orders to the Admiral to remain in the Black Sea. Admiral Dundas, it is stated, declined to comply with those instructions, and went into the Bosphorus. Now, in replying to the question which was put to him by the hon. Member for Roscommon, the noble Lord confirmed the truth of these reports, and declared it to be his opinion that the conduct of Admiral Dundas—though an explanation of it had been demanded by our Ambassador at Constantinople—would be found to deserve the approbation, both of Her Majesty's Government and of the country. I conceive that that statement contains a severe reflection upon Her Majesty's representative at Constantinople, and I therefore take the liberty of asking the noble Lord whether our fleet has been placed under the orders of Lord Stratford de Redcliffe, or whether Admiral Dundas has received instructions of a nature distinct from and opposed to those which have been conveyed to our Ambassador? I also have to ask the noble Lord whether he is as yet prepared to submit to the House any information with respect to the result of Count Orloff's late mission to Vienna? and, if not, whether its absence arises from any unwillingness upon the part of the Austrian Government to communicate, or from any neglect upon the part of Her Majesty's representative at Vienna to obtain, such information?

**LORD JOHN RUSSELL:** With respect to the first question which my hon. Friend

has put to me, I have to state that when I was asked the other evening a question which, although I do not suppose it was so intended, was calculated, if I had faltered in replying to it, to have conveyed a very serious imputation upon a gallant Admiral who is now serving upon a foreign station, I deemed it necessary, therefore, to answer that question at once; but in the manner in which that answer was given, I do not conceive that there was any ground for supposing that I attached any blame whatever to the course which Her Majesty's Ambassador at Constantinople had deemed it desirable to adopt. I then said that Lord Stratford de Redcliffe had thought fit, in the position in which he was placed, to ask for an explanation; and I conceive that nothing could be more natural or more proper than that he should do so. With respect, however, to the orders given to Admiral Dundas, they are, accurately speaking, orders emanating, not from our Ambassador, but from my noble Friend the Secretary of State for Foreign Affairs. By the orders of the Secretary of State, the Admiral is called upon by the Ambassador to perform certain services that may be required of him. The hon. Gentleman will, however, see that in performing such services, Admiral Dundas, or any other naval servant of the country, must pay regard to the means which he possesses of carrying the orders which he may receive into effect, and also to the dangers he may run by a rigid adherence to those instructions. Admiral Dundas, when he went into the Black Sea, found that the anchorage at Sinope was not such as it had been represented to be, and that in consequence of the very long nights, and also the density of the fogs which prevailed in the Black Sea during the day-time, the ships were liable to the occurrence of frequent casualties. He was of opinion, therefore, that if he were to remain for two months cruising in the Black Sea, the condition of the fleet would be so impaired as to prevent him from rendering with efficiency those services which he was so anxious successfully to perform. Such being the case, he returned to Constantinople from Sinope. Some explanations took place between him and Lord Stratford de Redcliffe with respect to this step, and some difference of opinion prevailed with reference to its propriety. That difference of opinion was, however, entirely of a professional, and not of a political character. Her Majesty's Government and the Government of the

*Lord John Russell*

Emperor of the French have had to consider the representations which have been made to them with reference to the nature of the services to be rendered, and both Governments have given similar instructions with respect to the performance of those services. The Admirals are to take instructions from the Ambassadors, but with respect to the mode in which those instructions are to be carried out, much must be left to their own discretion. Now, with reference to the second question of my hon. Friend, which relates to the mission of Count Orloff, I have to state that mission terminated on no later date than the 8th of the present month. I believe Count Orloff left Vienna upon the 9th. There have been communications with regard to his mission between the Austrian and the English Governments; but I believe it is not usual, though, no doubt, it is sometimes done, to present an account of the communications which take place between two foreign Governments in such a shape as it would be necessary to give them if I were to lay copies of the papers connected with Count Orloff's mission upon the table of the House. I do not believe that my noble Friend (the Earl of Clarendon) has any reason to complain of concealment upon the part of the Austrian Government; and with reference to the mission of Count Orloff, so far as it may be presumed that it had for its object to obtain the assistance of Austria by inducing her to bind herself down to follow a course of conduct which Russia prescribed for her adoption, that mission has entirely failed. As to any further information in connexion with those important subjects, I may mention that our despatches have only arrived to-day, and I beg to assure the House generally, as well as my hon. Friend, that as the Government has already produced very full information upon the position of our foreign relations, they will be ready to lay still further information upon the table of the House as soon as the papers are ready. It is obvious that to return answers to despatches requires some time, and that certain information cannot be rendered at all complete until further despatches in reply to those answers have been received. As soon, however, as any communications can be made to this House, Her Majesty's Ministers will take care that the most ample information shall be furnished.

MR. LAYARD: The noble Lord seemed to me to have conveyed some imputation by the words which he used upon a former oc-



casion upon the conduct of Lord Stratford de Redcliffe.

LORD JOHN RUSSELL: I meant to cast no reflection whatever upon Lord Stratford de Redcliffe.

SIR H. WILLOUGHBY asked the noble Lord whether any despatch had been received in answer to the instructions forwarded by the Earl of Clarendon to Lord Stratford de Redcliffe on the 8th of October, 1853 [No. 134], ordering, "that Admiral Dundas should inform the Russian Admiral at Sebastopol that if the Russian fleet should come out of that port for the purpose of landing troops on any portion of the Turkish territory, or of committing any overt act of hostility against the Porte, his orders are to protect the Sultan's dominions from attack?"

LORD JOHN RUSSELL said, that Her Majesty's Government had received official information that the instructions alluded to, as forwarded by the noble Earl the Secretary of State for Foreign Affairs to Lord Stratford de Redcliffe had been duly received. Our Ambassador had not thought it necessary to give the orders in the precise terms stated; but directions to the same effect had been given to Admiral Dundas, and had been by him sent to the Russian Admiral at Sebastopol. We have been further informed that the service in question had been most efficiently performed by Captain Drummond, of the *Retribution*.

#### PROVISIONS OF THE TROOPS— QUESTION.

LORD W. GRAHAM begged to ask the right hon. Gentleman the Secretary at War if it were true that the rations of the soldiers were to be supplied to them at the average price of the last few years? and, if so, from what time that indulgence would commence, and whether it would be extended to all British soldiers, or only to those quartered in Great Britain and Ireland?

MR. S. HERBERT said, that at the present moment the troops were supplied with rations in four different ways. Abroad they were supplied with provisions in some instances by means of a fixed sum of  $3\frac{1}{2}d.$  *per diem* stopped out of their pay, the soldiers receiving from the Government less pay by  $1d.$  a day than they did at home. In Ireland the troops were rationed by regimental contract, and the stoppage made for provisions out of their pay varied with the market price of food; but that stoppage

was fixed at a *maximum* of  $6d.$  *per diem*. In England the troops were supplied by public contract, and was subject to the oscillation in the prices; but in their case also the sum stopped out of their pay was fixed at a *maximum* of  $6d.$ , the Government having taken upon themselves to pay the difference between that sum and the actual cost of the rations provided. There were also the artillery and the household troops, and they received their rations by regimental contract. At the present moment, owing to the high price of provisions, the cost of rations had reached the *maximum*. In former years, it was true, that the cost was almost invariably at the *maximum*; but in former years the soldier's comforts were less considered than they now were, and he was not accustomed to have, as he now is, three meals a day. The result is, that consistently with the improved state of things it became almost impossible for the soldier out of his pay to provide, while prices continued so high as they now were, three meals a day. Under these circumstances, the Government had come to the conclusion that the best course to adopt in his regard would be to make a fixed stoppage from his pay, instead of permitting it to vary, as hitherto, according to the market price of food. But, upon the other hand, the soldier had a clear right to be charged no more for his rations, upon the average, than those rations had actually cost—that was to say, that in no circumstances ought the Government to make a profit by the soldier. Now, upon looking back over the account of the actual cost of rations for the last ten years, he (Mr. S. Herbert) found that it varied on an average from  $4\frac{1}{2}d.$  to a sum less by a fraction than  $5d.$  It is proposed, therefore, to take  $4\frac{1}{2}d.$  as the stoppage which should be made for rations out of the pay of the soldier. He should take additional precautions also to ensure that the provisions supplied for those rations should be of a good description. Those provisions would be supplied by public contract, and steps would be taken to secure that there should be no undue proportion of bone to the meat. The bread furnished to the troops in future would not be brown bread, as had been hitherto the case, but would consist of such as was made from flour of the second quality. Further than that, in order that there should be no chance of the soldier being deprived of his right, or of his being charged on an average of years more than the cost of his ration would justify, it was provided

that there should be exact accounts kept of the contracts for the supply of provisions. It was proposed that the arrangement should be revised, if necessary, at the end of five years; but if before the expiration of that period it should appear, from any unexpected and permanent depreciation in prices, that the sum of  $4\frac{1}{2}d.$  was higher than the average amount that need be paid for rations, the arrangement would then, if it should be thought necessary, undergo a revision. The artillery and household troops, who had a higher rate of pay, would be allowed an option of claiming if they chose a continuance of the present system. This arrangement would, he might state, at the present prices, considerably increase the cost of the troops to the Exchequer.

PARLIAMENTARY REFORM—  
PARLIAMENTARY REPRESENTATION—  
VACATING OF SEATS.

LORD JOHN RUSSELL: Sir, it is usual for those who have to bring forward a measure in this House to magnify the importance of the subject which they are about to introduce to the attention of the House, and of the measure which they propose to lay on the table. Sir, it is not my intention to take any such course on the present occasion. On the contrary, I think the importance of the measure which I am about to introduce has been already somewhat unduly magnified in public apprehension. The name of a Reform Bill recalls to persons a period of great excitement—a period when we deliberated amid the flames of Nottingham and of Bristol—when there was a collision between the two Houses of Parliament—and the measure was only ultimately passed with the reluctant, the obviously reluctant, assent of the House of Lords. Sir, I do not contemplate that the present measure will lead to any such excitement; and I trust it will not be passed amid similar difficulties. It appears to me that we may fairly and duly consider the provisions of the Reform Act with a view to supply what is deficient—to amend what is in need of correction—and to improve that which stands in need of improvement. It appears to me likewise, that at the present time we can do this, I trust with calmness, but at all events with deliberation, and that we may modify or vary the provisions of any measure which may be before the House with a view to making it as perfect an act of legislation as it is possible for us to make it.

*Mr. S. Herbert*

Sir, I am told, however—and the objection is a very common one—that we are now on the brink of a war, and that Mr. Pitt not only declined to proceed with measures of reform which he had previously introduced, but that he actually opposed reform, when in a position of a similar kind. Sir, if I professed myself to be bound by any master on this political question, Mr. Pitt would not be that master. But Mr. Pitt himself first introduced the subject of Parliamentary reform in 1782—in a period of war—in a period in which he himself represented the country to be in the greatest peril from the force of the combined enemies that were opposed to it. But, Sir, looking rather to those with whose principles I more cordially agree, I find that in 1793, immediately after the commencement of the war, Mr. Grey proposed to this House to consider the question of the reform of Parliament. In doing so, he made a remark which I have often had occasion to make in this House, that there is no time for the consideration of a question of reform that appears fit to those that are the opponents of reform. If everything is quiet, they will say, “Can free men be more than free—can men who are happy be more than happy?” If, on the contrary, the time be one of war and alarm, they will appeal to that state of war and alarm as a conclusive reason against considering the subject. Mr. Fox supported Mr. Grey on that occasion. They were defeated. In 1797, when the war had proceeded, and when its character could not be mistaken as that of one of the most hazardous and costly in which this country had ever been engaged, Mr. Grey renewed his Motion for reform, and was again supported in a most powerful speech by Mr. Fox. Nay, Sir, more than that, when Mr. Grey became a Member of the other House of Parliament, where it certainly is not incumbent on any one to introduce the question of the representation of the people, Earl Grey, in 1801, in bringing before the Lords the state of the nation, pointed out the defects of the representative system. In that House he declared that his principles on the subject were not changed; that he was, perhaps, less warm and sanguine than he had been, but that the effectual and gradual correction of the abuses in our representative system he thought necessary, in order to restore the country to a state of contentment. Sir, at that time the country was in the greatest danger. The sun of Wellington had not yet risen to its meridian. Earl

Grey depicted in the most gloomy colours the situation of the country, stating that during the war the burdens of the country had risen from 16,000,000*l.* to 80,000,000*l.* Many men may differ from the opinions then expressed by that noble Earl; but no one will deny the courage, the perseverance, and the consistency of Charles Earl Grey. That which in the midst of war he had attempted in vain, he lived till a time of peace to accomplish. But, Sir, there are some who hold that the peculiar position of our affairs at the present time makes it eminently inexpedient to introduce the question of the state of the representation. I own I cannot see why. I can very well imagine that if we were in the state that we were in the year 1803, when we were under an apprehension of immediate invasion, when everybody was engaged in collecting together militia and volunteers, and to put his neighbours in order, that they might be able to resist a foreign enemy—I can conceive that in such a state of things neither this subject, nor the state of the University of Oxford, nor of the Ecclesiastical Courts, nor the law of settlement, could properly engage the attention of this House—that our thoughts should be entirely occupied with the consideration of the means necessary for the defence of the country, and that every other question would be for a time in abeyance. But, Sir, much as I abhor war, much as I deprecate the evils of war, I confess I do not view a war with Russia with that apprehension with which some Gentlemen seem to regard it. I cannot conceive that we should not be able to provide all the means which are necessary for carrying on that war with vigour—and, if carried on at all, it ought to be carried on with vigour—and at the same time have full time for deliberation on those of our domestic concerns which appear to us most to require consideration. Sir, I cannot but think that this apprehension of our being unable to attend, from the moment that war should be declared, to anything but the dangers of Russian armaments and Russian forces, is one of those thoughts which are described as “one part wisdom and three parts cowardice.” I cannot, therefore, be affected by that.

I proceed now, therefore, to consider what it is that we should do with respect to the present state of our representation. I will first introduce what will show the House the progress which we have made since the time to which I have just referred—since 1793—towards attaining a

free and fair representation of the country. In a petition presented to this House in the name of the Association of the Friends of the People, associated for the purpose of obtaining a Parliamentary Reform [*Hansard, Parl. History*, xxx. 788], I find several statements, which I will repeat to the House, that they may see how different was the state of the representation in those days from its state at present. The petitioners state that at that time 70 Members were returned by 35 places, where the right of voting was vested in burgage tenures, virtually with no electors whatever. There are no Members so returned at present. They state that 90 other Members were returned by 46 places, in none of which the number of electors exceeded 50. There are no Members so returned now. Besides 160 so returned, they state that 37 were returned by other places, where the number of voters did not exceed 100. There are at present no Members thus returned. Besides these 197, they state that 52 were returned by 26 places, where the number of voters did not exceed 200. I believe only one Member, at all events, is so returned at present. They state, again, that there were 20 Members for counties in Scotland returned by less than 100 electors each, and 10 returned by less than 250 electors each. There is no Member for a Scotch county so returned now. They stated further, that there were 13 districts of burghs returning a Member each with less than 100 voters each, and two with less than 125. This state of things no longer exists. And they state that in this manner were chosen 294 Members, being, in short, a majority of the entire House of Commons. Sir, instead of the places referred to at the commencement of this statement, we have now Members for the great manufacturing towns of Manchester, Leeds, Sheffield, and Birmingham, and for other places which are great seats of wealth and population. The petitioners then go on to state that in the rights of voting there were distinctions which were exceedingly perplexed and confused. Now, these rights have been mostly abolished by the Reform Bill, and in their room others have been established which are comparatively easy to be understood. The petitioners stated further that, with regard to freemen in corporate towns there were freemen resident and non-resident; and that the freedoms were of various kinds, by election, by purchase, and by those rights which

did not also give the right of voting for Members of Parliament. In respect to the right of voting, these distinctions have been abolished. They stated further, that religious opinion was a cause of incapacity for the franchise; that all Papists were excluded generally; and that by the operation of the test laws Protestant Dissenters were deprived of their civic franchise in thirty boroughs in which the election was confined to corporate officers alone. Now, Sir, the laws against Roman Catholics are repealed, while the repeal of the Tests Act has given relief to the Protestant Dissenters. They state that householders generally are excluded. At present 104. householders are admitted under the Reform Act. They state that in Scotland superiority without the property gave the title to vote. That is a franchise which is also taken away by the Reform Act. The last statement of these petitioners to which I shall allude is that which has reference to the taking of polls in counties. They complained that the polls were taken in one place and lasted fifteen days. That also has been remedied. We had an instance even so lately as Saturday last, in which the poll for a county was taken in one day, and where instead of one place there were many for receiving the votes. I mention all these things to show that great improvements have taken place, from the position in which this House stood as a representative of the people in the year 1793.

I need not state, because the matters must be fresh in the recollection of the House, the important measures which have passed during the period which has elapsed since the passing of the Reform Act. There are the abolition of slavery, the opening of the trade with China, the reform of the Irish Church, the reform of corporations in England, Scotland, and Ireland, the measures which were taken for the reform of the tariff, the repeal of the corn laws, the equalisation of the sugar duties, and the repeal of the navigation laws. These are some only of the measures which have occupied Parliament during the period to which I have referred.

Sir, I come now to consider what it is that remains for us to do, in order to enable this House still more fully to represent the people at large. In opening that subject, I shall state that I think there are three main defects which have either belonged to the Reform Act, or have been left unremedied by that measure, and which require the serious attention of this House. The first of these is, that although there

was a very large disfranchisement at that time, there are still several boroughs which hardly contain a sufficient number of electors to justify their returning Members to sit in this House. It will be recollected that in bringing forward the Reform Act, I stated that there was scarcely a sufficient number of electors in some of the smaller boroughs, but still that there might be elements for an independent election; but in mentioning that now, and as a defect, I wish to state also that while seeking to amend it, I do not concur with some of the objections that have been made on this head. I do not concur, for instance, in the opinion that there ought to be anything like an equal number of electors in every place returning Members to Parliament. My belief is, that although you might get a full and free, you could hardly get a fair representation of the people without some variety of this kind in the system of election. If any one will look back to the history of the last few years, he will see that during the contention that existed on the subject of free trade, there was much excitement and hostility between different portions of the community. Should he take up an account of a meeting on the subject in an agricultural county, he will find that great applause was given to those orators who depicted the selfish cupidity of the manufacturers, and attributed their exertions in the cause to mere personal and interested motives. On the other hand, at meetings held in the great manufacturing towns, he would find the landed aristocracy held up to odium, a monopoly of power imputed to them, and denounced as being unjust and oppressive to the people. But all this time there remained a vast number of people who listened to or believed in neither of these representations. There was a great portion of the people, including amongst them a great many of the most moderate and calm-minded men in the country, who thought, and justly thought, that the landed aristocracy were useful to the country—that they contributed to the maintenance and stability of the free institutions of the State, while they also rightly considered, on the other hand, that the country derived the greatest benefit from the labours of the manufacturing and commercial classes. Sir, I think that if you once made your representation such as that nothing but counties and large cities should be represented, you would want that mediating element, that infusion of moderation, which is derived from those Members who are not sent by

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either of the great classes of the people I have mentioned. I think, likewise, that it would be impossible—I will not say whether or not it would be desirable—but it would be impossible, in the present social state of this country—with our laws of primogeniture, and the great properties that exist—to attempt to prevent the influence of the great proprietors affecting the returns, whether from counties or boroughs. That is an evil which I have frankly pointed out, and which ought to be considered; but it is not with that view I propose the change which I am now about to submit to the House.

I have stated, that, at the time of the Reform Bill, I said that there was a certain number of boroughs which, although small, would still have a sufficient number of electors to enable them to make an independent election of a Member to represent them in Parliament. I find that the number of voters I then mentioned as, in my opinion, the fewest that should exist in each of these boroughs, was 300—but now there are several which fall below that number. I find, also, that there are boroughs which, although they exceed that number of 300 electors, are yet of a population that is not considerable, and, in fact, falls below 5,000. I shall propose, therefore, to deal with boroughs that are in that state. Going on to some other boroughs, which are not so small, I find there is a certain number which have less than 500 electors, and others with less than 10,000 population, although they may have more than 500 electors, and which return two Members each to this House. I shall propose to deal with these latter by taking from each one of their Members. I find that the number of boroughs, which, taking the double test of electors and population, have less than 300 electors, or, having 300 electors, have less than 5,000 population, is 19; and the number of Members they send to this House 29. The number of boroughs which would come into the next table—that is to say, having less than 500 electors, or having 500 electors, have less than 10,000 inhabitants—is no fewer in number than 33. If, therefore, the former class of boroughs be entirely disfranchised, and there be one Member taken from each of the boroughs of the second class, there would be no less than 62 seats by which the number of Members in this House would be reduced.

I have said, also, that there were two other defects in the Reform Bill besides

that to which I have alluded. The next defect I have to mention is, that I think it has tended too much to divide the country in a way in which it was not divided before; in short, into opposite camps according as the districts might be connected with land or trade. I think that since the passing of the Act we have seen—what had not occurred before—we have seen county Members too generally exclusive in respect of the interest they cared for, and Members for the great cities too exclusive also for theirs. Before I proceed to state the mode in which I propose that the 62 seats should be filled up, I will mention that I think very great advantage will be derived from a change which has been advocated in writing and in pamphlets, and which was suggested by my noble Friend Lord Grey, in a public document emanating from a Committee of the Privy Council—namely, that a representation should be given to the minority. In looking over the numbers that have voted for some of the larger counties and for some of the great cities, I find that there are sometimes 2,000, 3,000, or 4,000 voters who voted for the unsuccessful candidate; while, perhaps, there are 100 or 150 more who voted for the successful candidate. Now, it appears to us, that many advantages would attend the enabling the minority to have a part in these returns. In the first place, there is apt to be a feeling of great soreness when a very considerable number of electors, such as I have mentioned, are completely shut out from a share in the representation of one place; in a county it may be the Liberal party, in a great town it may be the Conservative party; but if in either case they form a very large body, I have been told by those who have practical experience in the matter, they exhibit great irritation at their perpetual exclusion from the representation. But, in the next place, I think that the more you have your representation confined to large populations, the more ought you to take care that there should be some kind of balance, and that the large places sending Members to this House, should send those who represent the community at large. But when there is a very large body excluded, it cannot be said that the community at large is fairly represented. The remedy could only be adopted in cases where three Members represent the county or city; and where that is the case, it is obvious, that, supposing there be a decided majority of 100, or even 500, that majority would, at all events,

have two Members out of three—that is to say, two to one—in any division that might take place in this House. I think, besides, that such an arrangement would have a great tendency to prevent angry contests at elections.

Having stated so much on this point, I propose now to lay before the House the manner in which the seats I have mentioned are to be filled up. It has been stated more than once in answer to Gentlemen who complained that there were places with 6,000 or 7,000 inhabitants which returned as many Members as places with 60,000 or 70,000; that if we were to reform the representation according to the number of people, that those places with 10,000 or 15,000 population must yield their claim to the great counties with 300,000 or 400,000 inhabitants. I remember the right hon. Member for Buckinghamshire (Mr. Disraeli) maintaining that argument with great ability, in answer to a proposition made on this side of the House during the time that the right hon. Gentleman was Chancellor of the Exchequer. It appears to me that the argument is founded in fairness and justice. We shall propose, therefore, to take population generally as the rule, and, applying it in the manner I have described, we should take in the first place the West Riding of the county of York, which has nearly 800,000 inhabitants, besides the inhabitants of the towns which are represented; and, secondly, the southern division of the county of Lancaster, which has, I think, about 500,000 inhabitants. Dividing these two districts, we propose to give to these divisions each three Members. Going on in the same manner with counties and with towns, we propose to give an additional Member to each town which has more than 100,000 population. But then we shall propose that in giving their votes the electors shall vote as they do at present, only for two candidates out of three; so that when the minority exceeds two-fifths of the whole number of electors, they should be enabled to have one representative out of the three who are to be returned. The consequence of adopting this rule will be that there will be four Members added to the representation of the West Riding of York, and four to the southern division of Lancashire, making eight; and that there will be thirty-eight for the other counties, making forty-six altogether. With regard to towns having more than 100,000 inhabitants, there are

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nine, without including those which are metropolitan boroughs, as we have considered the latter as forming portions of one great city, and not as separate towns in themselves. There would then be eight towns—or, including the borough of Salford, which has more than 80,000 inhabitants, nine—which have more than 100,000 inhabitants, and which, at present, return representatives; and to each of these we should propose to give one additional Member. We propose to give a Member each to the following three towns, each containing above 20,000 inhabitants—Birkenhead, Staleybridge, and Burnley. We shall then propose what has been often advocated—that Kensington and Chelsea should be formed into a district, and should have the privilege of sending two Members to Parliament. There are other kinds of representation which have been often spoken of, and to which we propose to give at least some portion of the seats about to be vacated. The first which I shall mention are the Inns of Court. [*Laughter.*] I know there are many Gentlemen who think we have a sufficient number of lawyers in the House already, but my own persuasion is, that there would be a great benefit were we to put the representation into the position proposed, if we should also have two of the most eminent lawyers in the country returned to this House; and I believe that the Inns of Court—while, of course, lawyers will have as good a chance or perhaps better than other men in boroughs and counties—I believe that the Inns of Court would feel a pride in having two of the most eminent men of their profession to represent them in this House. I cannot but think—and I am sure the House will agree with me—that it is a very great advantage to the House that we have some of the most eminent lawyers in the country to assist us in our debates. And if we are likely at any time to be misled by legal doctrines emanating from those who have not attained so much experience, we shall find the great advantage of having men of such eminence amongst us to prevent the House being led to adopt erroneous views. We propose to give one Member to the University of London. Considering that there are two great Universities, Oxford and Cambridge, which are so much connected with the Church, I think it but fair that a University which is open to the whole country should have the power of sending a Member to this House. And now, having stated this generally—

I will state more particularly afterwards the towns and counties to which additional Members will be given—I will now advert to what I have before mentioned in this House, and which I am induced to think a defect in the Reform Act, which still remains to be corrected. When we proposed the disfranchisement of boroughs in that Bill, there was hardly any variation made from the first rough draft I drew of the projected Reform Bill, in respect of the disfranchisement of boroughs under that Act. In the first draught—the rough draft—I sketched of that Act, I proposed that fifty boroughs should be entirely disfranchised, and that fifty other boroughs should be deprived of one Member each. That proposal was somewhat varied, but in the end fifty were disfranchised, and it was provided that thirty others should send only one Member each. The measure eventually adopted varied but little from the original proposal I had made to the Committee appointed by Lord Grey to consider the plan of the Reform Bill. But with regard to the franchise to be given, we had a great deal of deliberation, and it was only after a great deal of deliberation, even after the Bill had been brought into this House, that the Government of the day could make up their minds on that subject. It was proposed first to have a 10*l.* rating—it was thought at one time that the qualification should be even higher—but ultimately the qualification was reduced to 10*l.* value. Now, I think that in taking that franchise, and abolishing, as we did, all those intricate franchises which then existed, we too much confined ourselves to one species of franchise, and did not make the franchise sufficiently various, and therefore not sufficiently comprehensive.

We propose, in the first place, that there shall be several franchises, which shall be common to both the counties and to the towns, and that a person possessing any one of those qualifications shall vote in the place in which he resides, and exercise his right there, whether he be resident in a county or in a city or town returning Members to Parliament. One of those qualifications which we propose to establish is 100*l.* a-year salary arising from any employment, whether public or private; but, to confer the franchise, we propose as a condition that such salary shall be annual—that is, that it shall be paid yearly, half-yearly or quarterly—so as not to include persons who receive weekly

wages. This change we consider will bring in a very intelligent body of men, who, not being at present householders, do not come in under any existing franchises. The next new franchise we propose to establish is an income of 10*l.* a year derived from dividends arising either from the funds, Bank stock, or East India stock. We propose, also to make payment of taxes to a certain amount a qualification; the franchise we adopt in this respect is no higher than that we proposed two years ago, namely, the payment of 40*s.* either to the assessed taxes, the income tax, or license-duty within the year. This will be some compensation to those who will this year be for the first time brought within the operation of the income tax, while on the other hand, when they lose the right to the vote, they will at the same time have the satisfaction of getting rid of the tax. We likewise propose that graduates of any University in the United Kingdom shall have the right of voting. This of course will bring in a large number of men of education and intelligence, men in every way qualified to exercise the right to the advantage of the country. Further, we propose that every person having a deposit to the amount of 50*l.* in a savings bank, in the place where he resides, such deposit being of not less than three years' standing, shall be entitled to vote. We fix the period of three years, because we think there would otherwise be considerable danger of the creation, under a franchise of this description, of fictitious votes; but when we get a *bond fide* holder of such a sum as 50*l.* in a savings bank, the House, I think, will agree that we have a person who has given such a proof of prudence and forethought as will justify his being entrusted with the exercise of the elective franchise. These are the franchises which we propose shall be common to both counties and boroughs.

I now come to those which exclusively belong either to counties, or to cities and boroughs. With regard to the counties, it will be recollected that at the time of the introduction of the Reform Bill, the Government did not propose to depart in principle from the general provisions of the constitution, but intended that while occupation should give the right of voting in cities and boroughs, tenure should give the right in counties. To the 40*s.* freehold franchise was added the copyholders and others who had similar property; but, except as regarded leaseholders of twenty-

one year, it was not at first proposed to alter the nature of the right of voting for counties. However, in the course of the progress of that Bill through Parliament, an Amendment was proposed and carried, by which all 50*l.* occupiers in counties obtained the right of voting. Now, I am far from making any objection to that class of county voters—the 50*l.* occupiers; but, it will be at once obvious that the introduction of this new qualification entirely changed the character and nature of the county franchise as it had previously existed, and tended certainly to diminish to a certain extent the power of that which I have always considered one of the best and most independent class of voters, namely, the freeholders of 40*s.* and upwards. And when this new principle was once introduced, Motions were brought forward at various times, supported by reason and argument, for extending the occupation franchise to occupiers of a less amount. And I believe—seeing that we do not propose to add materially to the number of towns sending Members to Parliament; indeed we only propose to establish three new boroughs—I believe it would be a great advantage if those who live in those towns which have not the right of sending Members to Parliament should, by the possession of the county vote, feel that they had a voice in the representation of the country. We propose, therefore, adopting a proposition that has more than once been made in this House, that 10*l.* occupiers should have the right of voting for counties and boroughs. Now in respect to that right, whether in counties or boroughs, we propose as a check upon an abuse which has prevailed to some extent, namely, that under the words “or any building or land occupied therewith,” persons have frequently run up sheds of perhaps 2*s.* 6*d.* a year in value, making up the remaining part of the necessary qualification by land, and in this way a species of voters have been introduced upon the register not contemplated by the Reform Act, and to whom the Legislature never intended to give the franchise—we propose, as a check upon votes of this description, that in counties, except with respect to a dwelling house in which the voter resides—which may be of any value providing the voter lives in it—in all other cases for the purpose of conferring the vote the building must be of the value of at least 5*l.* a year. Thus, suppose there be a house and land, upon the occupation of which the claim

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to the franchise is based, if the house be rated at 1*l.* or 2*l.* a year to the poor-rate, it will be sufficient, provided the voter resides in it; but if the vote is made out of any other building, as a cattle shed, or some erection built for the purpose of obtaining the vote, in that case we provide, as a check against the manufacture of such votes as I have described, that the building shall be of the annual value of 5*l.* This, then, is the franchise we propose to give in the counties for the future; and the House will see that it has a very considerable bearing on the question of the increase of the number of Members which I have stated we propose to give to the counties. As I have said, out of the whole number, we propose that forty-six of the new Members should be given to the counties; but as these counties will hereafter include all the 10*l.* householders not embraced within the limits of the Parliamentary boroughs, it is obvious that the county representation will have less of a special character than heretofore. And I must say that I think it is desirable it should be so; because it does seem to me that all those endeavours which we have at various times witnessed to run down the agricultural interest on the one hand, or the manufacturing interest on the other, are totally foolish and absurd, and that there can be no better system of representation than that which takes into consideration all the great interests of the country, and regarding them all as contributing to the glory and prosperity of the nation.

I come now, Sir, to the question of the franchise for the boroughs. It certainly appears to me, that in fixing the 10*l.* franchise for cities and boroughs as absolutely as we did in the year 1831, we did not make a sufficient provision for the admission of the working classes within the pale of our representative system. It was not, however, intended, as has been supposed, that the middle classes should be exclusively the electors in these cities or boroughs; but still it was supposed, and that result has taken place, that the middle classes would have the greater portion of the power in their hands, and in point of fact would have the greatest share of influence upon the future conduct of the legislation and government of the country. Now, Sir, in regard to that denial of the right to the working classes at that time, and the consequences which have followed it, I am fully prepared to maintain the opinions I then expressed. I say now as



I said then, that I think it most desirable that the middle classes should have a great influence in the making of the laws by which the country is governed; but seeing the high character the working classes of this country generally maintain, seeing the skill and intelligence for which they are so remarkable, and seeing too how much the wealth of the country depends on their exertions and their industry—I think the time has come when we ought to endeavour to make the door wider than it now is, for their admission to representative rights. I must here be permitted to state to the House the view that Mr. Fox took of the right of voting for Members of Parliament. In the year 1797, Mr. Fox said—

“I have always deprecated universal suffrage, not so much on account of the confusion to which it would lead, as because I think we should in reality lose the very object we desire to obtain; because I think it would in its nature embarrass and prevent the deliberate voice of the country from being heard. I do not think that you augment the deliberative body of the people by counting all the heads, but that, in truth, you confer on individuals by this means the power of drawing forth numbers who, without deliberation, would act implicitly upon their will. My opinion is, that the best plan of representation is that which shall bring into activity the greatest number of independent voters, and that that is defective which would bring forth those whose situation and condition take from them the power of deliberation.”—*Hansard's Parl. History*, xxxiii., 726.

Now, Sir, I think the principle here stated by Mr. Fox, is a sound principle upon which we can proceed. The only difficulty is in the application of it. For myself I do not shrink from saying, that I think the extension of the franchise as I proposed it two years ago to 5*l.* householders, was not too large an extension; but at the same time I know that that proposition has been productive of very great objections. It was generally considered in this House and elsewhere that it carried the franchise down too low, and that, under a 5*l.* household qualification we should not secure that intelligence and independence in the electoral body which we ought to have. Yielding to some extent, at least, to that opinion, we turned our attention, in the first place, to the municipal franchise. It appeared to us that there are two objections to the adoption of the municipal franchise. The one is, that it would make the municipal election always the precursor of the Parliamentary election, and the consequence would be that the municipal boroughs would be exposed to continued excitement and

agitation. The other objection is, that according to an Act passed two or three years ago, all persons owning property under a certain value might, if they chose to do so, compound for the payment of their rates; and in their cases, the rates being paid solely by the landlord, and not by the tenant, there would be a difficulty in arriving at the value. I, however, propose to take the limit laid down in that Act. It must be acknowledged that the fact of a man living in a house is, to a certain degree, a proof of independence. Leaving out, therefore, those who have not a certain degree of independence—or, at least, those who, not having given sufficient proof of it by continued occupation to entitle them to vote—that is, leaving out all those living in houses rated under 6*l.* a year, and taking in all who are rated above 6*l.* a year, provided they shall have fulfilled the municipal term of residence—that is, shall have resided in the house so rated not less than two and a half years previous to the name being placed on the register—which would make a residential occupation of about two years and ten months before they could exercise the right of voting;—by this means I think we should obtain an extensive representation of the country, which will include within its limits a large number of working men—those who are most remarkable for steadiness of conduct—those who are most remarkable for the skill which they bring to bear in the exercise of their trades, and who, consequently, are enabled to inhabit dwellings of a better character than those which are occupied by the great mass of their fellow workmen. There is one change, however, that we propose to make both with regard to those new franchises which I have described, and with regard to the existing franchise, that is, the 10*l.* occupation franchise in towns and cities, which I should here mention. The House is aware that according to the old doctrine of representation, wherever the right is known in a borough, every person paying scot and lot had the right to vote, and that right, extending down to the very lowest class of householders, was accompanied by no other check than the payment of what, in the ancient laws, came under the general definition of “scot and lot,” which in modern times has merged into the poor-rate, payment of which is always insisted upon before the voter can exercise his right. We placed this check upon the voter in the Reform Bill, as we

did others, for the purpose of ascertaining his solvency and sufficiency. Now, considering that in the case of the occupation franchise in counties, the person who exercises the right must be the *bond fide* occupier of a house of 10*l.* a year in rated value, and that in towns he must occupy a house of the rate and value of not less than 6*l.* a year, and must also reside in such house a considerable time before he can be entitled to vote, it appears to us that you have in this way a sufficient test of solvency, and that it is no longer necessary to keep in force those checks of the payments of rates and taxes which it has been hitherto considered necessary to impose before the party was permitted to exercise the franchise.

There is also another change we propose to introduce in the end of the Bill, which it is necessary I should explain—that is, with regard to the register of electors. Hitherto, in the trial of controverted elections, the register has been submitted to the Election Committees of the House of Commons for examination as to the right of the parties to vote; and various decisions have been come to upon the question of striking names off the register. We propose that, in future, the register of electors, as revised by the barrister, shall be final as to the voter's right; and that no question shall be allowed to be raised upon it. I should, perhaps, explain somewhat more clearly than I have done, that the 10*l.* franchise that now exists—which is a franchise, as the House is aware, of 10*l.* rated value—we preserve exactly as it is, with the exception of these two changes—that when the franchise is claimed in respect of buildings and dwelling-houses of the joint value of 10*l.*, with regard to buildings which are not dwelling-houses, they must be of the rated value of 5*l.* a year; and with this other change, that the payment of rates and taxes shall be no longer considered necessary. This will, therefore, be one franchise, which in effect will be the present franchise with the relaxations I have mentioned; and we propose to add to this the other franchise I have mentioned as to the 6*l.* occupation. Thus a person having resided in a 10*l.* house for a year would come in as he does at present, and be placed upon the register by the overseer; and in the other case the franchise will depend upon the occupation of a house of 6*l.* a year rated value, and residence for two and a half years. Any person fulfilling that condition can

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compel the overseer to put his name upon the register.

There is likewise another change of very considerable importance which we have to propose. Amongst the numerous complaints of bribery and corruption which have come up from certain boroughs in the kingdom, it has over and over again been represented that one class of the voters, namely, the freemen, were deeply implicated in these improper transactions. We inserted in the last Reform Bill a clause in reference to that class of voters, and I shall now propose to insert a similar one in the present Bill, namely, that after the expiration of existing interests, freemen shall cease to have the right of voting, and that in future no person who shall take up his freedom by birth, service, or otherwise, shall thereby acquire that right. But as we take away the right to vote from these persons who now possess it, it is the more incumbent upon us to add some new right of voting to the 10*l.* franchise in towns, which now exists, as otherwise the Bill I propose would be a measure, so far as the cities and towns are concerned, not of extension, but of diminution of the elective franchise: it is this which has influenced us in our proposition to add the new right of voting founded on the 6*l.* municipal rating. There is also another change, not necessarily connected with this Bill, but connected with our general scheme of representation, and bearing upon the alterations we propose to make in it. It is our intention to propose an alteration in regard to the provisions of the Statute of Anne, which obliges every Member of the House of Commons who accepts any office under the Crown, to vacate his seat and go to a fresh election. The spirit of this Act was unknown in our Constitution from the period of the Revolution down to the 6 Anne. It first arose out of a dispute involving a great principle on which the Whig and Tory parties of that day took entirely different views, that principle being whether or not the House of Commons should be a body entirely independent of the Crown, or whether it should be a body which should contain within it persons who were Ministers of the Crown, and who, sitting in the House of Commons, and having influence there, should, as it were, as Members for the Crown, control the Parliamentary Government of the country. The Whigs maintained that the Ministers should have seats in the House; while the Tories contended that it would tend to the indepen-

dence of the House of Commons if all placemen should be excluded from the House. It being impossible to reconcile these conflicting views, as a sort of measure of expediency, in order, if possible, to satisfy all, it was provided that whenever a Member of the House of Commons should take office directly from the Crown he should thereby vacate his seat, but should be eligible for re-election. Now, so long as the House of Commons was unreformed, and so long as there were always a number of convenient boroughs, called Treasury boroughs, connected with the Ministry, and, to a certain extent, in their hands, no inconvenience was felt from the operation of this Act. Mr. Canning, when he was appointed Secretary of State, and was compelled to vacate his seat for Liverpool, took refuge in one of those boroughs—the borough of Harwich—because the latter was an easier seat, and would cause him less trouble than must attend the representation of a large town like Liverpool. In that way there was always some borough or other to be found for any person who was appointed to the Ministry, and who thereby endangered his return for the constituency he previously represented. But when the introduction of the system of popular representation was introduced into all our elections, there arose difficulties when Members were appointed to Government offices, which are hardly, I think, compensated by the advantage of having new elections—because the theory being that a person ought to go before his constituents on his being appointed a servant of the Crown, in order that they may decide whether or not they will be represented by a Member who is a servant of the Crown, or whether they require a Member who is wholly independent of the Government—in point of fact, that question hardly ever arises. But the question which does arise is, what are the particular politics of the Member at the moment—what are the particular questions which will be most embarrassing to a man vacating his seat, and seeking to obtain an immediate return, and is he or is he not likely to obtain his return; and the consequence is that often the Crown is embarrassed in its choice, and is compelled to take a person who is known to be in a position to secure his re-election, though he may not be so well suited to the vacant office, instead of one who may be better qualified, but whose re-election is not so certain. I am of opinion that that is an

inconvenience for which there is at present no equivalent benefit. If the responsible Ministers of the Crown are to appear in this House, and be answerable for the conduct of affairs, they ought to be enabled to advise the Crown to give any office that may be vacant, if to a Member of Parliament, to such Member who in their judgment is most fitted to perform its duties. It is obvious that many questions may arise in reference to the conduct of a Member quite as important as that of taking office, but upon which he is not required to ask the consent of his constituents. For instance, he may totally change his course of politics—and though he may, if he thinks it advisable to do so, go before his constituents, whether he does so or not is entirely a matter for his own breast. For these reasons we think the operation of the Statute in question is not generally beneficial, while it is very often inconvenient. We propose, therefore, to repeal that provision altogether, and—as in the reign of William III.—to allow of the acceptance of office under the Crown without vacating the seat in Parliament.

I will now state to the House the various places which, according to the proposal I have to make, if the House will give me leave to bring in the Bill, will lose the power of sending Members to Parliament, and the counties and towns which will gain those Members. Before doing so, I would remind the House that I have already stated that there are boroughs returning 29 Members which I propose to totally disfranchise, and 33 to be placed in Schedule B, only to return one Member, making altogether 62 seats; to these are to be added 4 for seats at present vacant, making in all 66. I will now state the places to which we propose giving 63 of these vacated seats—the remaining 3 will be given, by a measure which I will not now stop to describe, to Scotland. The following is the list of boroughs having less than 300 electors, or a population of 5,000, which will be disfranchised:—Andover, returning 2 Members; Arundel, 1; Ashburton, 1; Calne, 1; Dartmouth, 1; Evesham, 2; Harwich, 2; Honiton, 2; Knaresborough, 2; Lyme Regis, 1; Marlborough, 2; Midhurst, 1; Northallerton, 1; Reigate, 1; Richmond (Yorkshire), 2; Thetford, 2; Totness, 2; Wells, 2; Wilton, 1:—total, 19 boroughs returning 29 Members. The following boroughs having less than 500 electors, or less than 10,000 population, now returning two Members, which will

lose one seat each, are:—Bodmin, Bridgnorth, Bridport, Buckingham, Chichester, Chippenham, Cirencester, Cockermouth, Devizes, Dorchester, Guildford, Hertford, Huntingdon, Lcominster, Lewes, Ludlow, Lymington, Lichfield, Maldon, Malton, Marlow (Great), Newport (Isle of Wight), Peterborough, Poole, Ripon, Stamford, Tamworth, Tavistock, Tewkesbury, Tiverton, Weymouth, Windsor, Wycombe (Chipping)—Total, 33 Members. The counties and divisions of counties containing a population of more than 100,000, and at present returning two Members, and to which an additional number will be given—there are, as the House is well aware, some counties returning three Members each at present: Bedford; Cheshire, southern division; Cheshire, northern; Cornwall, western; Cornwall, eastern; Derby, northern; Derby, southern; Devon, southern; Devon, northern; Durham, northern; Durham, southern; Essex, southern; Essex, northern; Gloucester, western; Hampshire, northern; Kent, western; Kent, eastern; Lincoln, Parts of Lindsey; Lincoln, Parts of Kesteven and Holland; Middlesex; Monmouth; Norfolk, western; Norfolk, eastern; Stafford, northern; Stafford, southern; Somerset, western; Somerset, eastern; Salop, northern; Suffolk, eastern; Suffolk, western; Surrey, eastern; Sussex, eastern; Warwick, northern; Worcester, eastern; York, East Riding; York, North. Wales: Glamorgan. One additional Member to each of these will make 38 Members. I have mentioned already, with regard to the West Riding of Yorkshire and South Lancashire, that they will each be divided into two parts; and the division has been made in such a manner, that there will be in each case nearly an equal population in each of the divisions; and when it is stated that there is nearly 800,000 in one, and 500,000 in the other, the House will agree that it will be fair to divide them in this way. [An Hon. MEMBER: Does the noble Lord propose to give three Members to each division of the West Riding?] Three to each division of the West Riding, and three to each division of South Lancashire. The list of boroughs having a population of more than 100,000 at present returning two Members, but which hereafter are to return three, the following are included: Birmingham, Bristol (city), Bradford (Yorkshire), Leeds, Liverpool, Manchester (city), Sheffield, Wolverhampton; Salford, to return in future two Members—Total, 9

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Members. The unrepresented towns containing more than 20,000, which are to return one Member each, are Birkenhead, Burnley, and Staleybridge;—total, 3 Members. The divisions of the West Riding of Yorkshire and South Lancashire into two each, each such subdivision to return three Members, will appropriate eight more of the vacant seats. The new borough of Chelsea and Kensington will take two more; the Inns of Court, two; the London University, one; and all these together, with the three seats reserved for Scotland, make up the total number of 66. It may be convenient to the House if I give a summary of the manner in which we propose disposing of the 66 vacant seats. It is thus:—

Counties, and divisions of counties .	38
West Riding ... ..	4
South Lancashire ... ..	4
Three new boroughs, one each ...	3
One new borough ... ..	2
Nine boroughs, one each additional	9
Inns of Court ... ..	2
London University... ..	1
Scotland . . . . .	3
Total ... ..	66

I believe, Sir, I have now gone through all the general features of the measure which I propose to introduce; and having stated to the House, though I hope not at too great length, in such a manner that Members of the House will fully understand what it is we propose, I do not mean to enter into any further general considerations connected with the subject. My belief is, that the measure will tend to correct inequalities which sooner or later must be amended, and that, in adding to the number of persons privileged to send Members to this House, you will give a wider basis to the representation, and you thereby contribute to the strength and security of your institutions, and cause the people greater confidence in them. With these words, Sir, I will not do more at present than move for leave to bring in the Bills, namely, Parliamentary Representation and Vacating of Seats.

MR. LIDDELL said, he was induced to rise thus early because the hon. Member for Manchester (Mr. Bright) had thought fit to present that night a petition from Liverpool imputing corrupt practices to the freemen of that place. He (Mr. Liddell) rejoiced that he had done so; because, without any violation of the rules of the House, he was enabled to meet the charge at the earliest possible moment. He trusted



the hon. Member for Manchester would take the first opportunity of making some specific Motion upon the requirements of that petition. He would tell the hon. Member that he (Mr. Liddell) was prepared to fight the battle of the freemen of Liverpool, to vindicate their character, and maintain their rights. He trusted that the House would not be misled by the appearance of a bulky petition with 3,000 signatures, when he reminded them that the population of Liverpool consisted of 500,000, with a constituency of about 17,000 electors on the register. There would, of course, therefore, be no difficulty in getting that number of names to such a petition. He rejoiced that the noble Lord did not propose a Bill of disfranchisement against any of the existing freemen, though he might see reason to object to the future disfranchisement of that class of voters. Passing from that subject, he desired to make some observations upon the speech which the noble Lord had just delivered. The noble Lord commenced his speech with referring to the proceedings of Mr. Grey, and the Reform party in the latter end of the last century, and in doing so, to a great extent, he cut away the ground from his own feet in proposing such a change as that to which the House had just listened. The proposals of Mr. Grey were made in reference to an unreformed Parliament, and it seemed to him that the noble Lord, in going through the long series of objections that were stated by the petition of the Friends of the People to the Parliament as it was then constituted, and then stating that every one of these had since been removed by the Reform Bill of 1832, had in reality demolished the main argument for again disturbing, or threatening to disturb the peace of society by a new Reform Bill. The noble Lord mentioned with great admiration and applause the name of Charles Earl Grey; in which he (Mr. Liddell) entirely concurred, but when the House considered that the proposed measure was calculated to excite angry and acrimonious discussions at a time when the country was about to be plunged into a long and costly war, the name of Henry Earl Grey might be referred to with at least equal confidence. If on the first night of the Session he felt himself justified in asking the noble Lord to postpone the consideration of this exciting question, at a period when all Europe was about to be engaged in a general war, his opinion had been greatly strengthened

and confirmed by what had since occurred in both Houses of Parliament, and in that portion of the public press to which they were accustomed to look as the organs of the existing Administration. It was not his desire, or that of the Gentlemen with whom he acted, to add to the difficulties which the Government were prepared to plunge the country into, by appeals of an exciting nature upon the present occasion. He adhered to the opinion he stated to the House on the first night of the Session, and could only express the hope that the Bill would not reach its second reading, but would be postponed in deference to the safety and welfare of the country. He still hoped that the discussion of such exciting questions as must necessarily arise upon a new Reform Bill might be avoided by the prudence of the Government. The noble Lord began his statement by saying that nineteen boroughs, which returned twenty-nine Members, were to be totally disfranchised. Was it possible that the noble Lord could carry out a measure of disfranchisement to that extent without occasioning much painful discussion, as well among his friends as his opponents? Again, was it possible that he could proceed to the prospective disfranchisement of the freemen, without giving occasion to a vast amount of acrimonious discussion. Yet the noble Lord, in bringing forward this measure of reform, had, with his eyes open, risked such discussions at a time when the energies of the country should be combined for one object. As regarded the present House of Commons, the noble Lord might confidently expect to meet with the support of all parties in upholding the honour of the Crown and the interests of the country; but he would remind the noble Lord that if he carried his Bill, it would involve almost the necessity of a dissolution of Parliament in the course of the summer or autumn. Who could tell what changes and vicissitudes might take place in the prosecution of a protracted war? Who could tell what changes might take place in public opinion, or who could predict with any confidence the temper the people of England might be in at the very moment when the noble Lord should come forward with a proposal to dissolve the present Parliament? He had heard, indeed, that in another place it had been stated that the hope of preserving peace had not yet been abandoned. He thought that hope was shared in by very few persons in this country; and in whatever bosom it might

have found a refuge, it must be a hope very nearly akin to despair. He remembered certain lines of that poet who sang the "pleasures" and the fallacies of hope, which well described, in his opinion, the condition of the noble Earl who held the first place in Her Majesty's Councils, and he would recommend them to the attention of the noble Lord:—

"When Murder bared his arm, and rampant War,  
Yoked the red dragons of her iron car;  
When Peace and Mercy, banished from the plain,  
Sprung on the viewless winds to Heaven again,  
All, all forsook the friendless guilty mind,  
But Hope, the charmer, lingered still behind!"

Now, when he found that the Minister of Russia had actually left our shores; when orders had been sent for the recall of the British mission at St. Petersburg; when larger bodies of troops were on the eve of departure for the seat of war in the East; when the French and English combined fleets were riding on the waters of the Buxine; when preparations on a most extensive kind were going on for the formation of a fleet to the Baltic;—he should be glad to know where that last remnant of hope was to be found which still appeared not quite extinct in the breast of the Prime Minister, and, perhaps, of the noble Lord opposite. He did not think there was any foundation for it whatever; and as he believed that this country was about to be involved in a war which was likely to be more protracted in its duration and more serious in its consequences than the noble Lord seemed to anticipate, he conjured him once more to consider whether the present was not a juncture at which such a measure ought not to be pressed upon Parliament. He had no doubt that many of the provisions of the proposed Bill were worthy of serious consideration; and when the time came for discussing the question of Parliamentary reform, he might feel it to be for the advantage of the country that the propositions of the noble Lord should be fully heard; but he would not now enter into that subject, because it was the duty of every well-wisher of the country to avoid exciting anything like acrimonious debates at the present moment. Before he sat down, however, there was one point to which he wished to allude, upon which he thought Parliament and the country had a right to some explanation: he meant the resignation of the noble Lord the Secretary of State for the Home Department (Viscount Palmerston), at a time when public affairs

*Mr. Liddell*

were in a very critical state. The House would recollect that when the Cabinet was supposed to be engaged in discussions upon the Reform Bill, the retirement of the noble Lord the Home Secretary was made known to the country. He begged to assure the noble Lord that, as no man upon the Treasury bench possessed more the confidence of the country than the noble Lord, so no man in that House was prepared to speak of him with more respect than he was; but he thought that the noble Lord owed it to his own character, and to the satisfaction of the House and the country, now that the question of Parliamentary reform was brought fairly under their notice, to give some explanation of that retirement which, at a very critical moment of our domestic history, left this country for twelve days without a Home Secretary. He hoped that the noble Lord would not think that he asked this question from any impertinent curiosity. He hoped the noble Lord knew that he was of sufficient importance, and filled sufficient space in the estimation of his countrymen, to render anything that he did in a public matter the subject of remark, and deserving such an explanation as the circumstance might seem to demand. Upon that account he wished to ask the noble Lord if he would condescend to inform the House what were the circumstances in connexion with the Reform Bill which had led him to abandon the helm which he guided with so much vigour, and to leave the country at a most critical period twelve days without a Secretary of State for the Home Department? With respect to the scheme before the House, many objections could be raised to it, and, perhaps, some points deserved consideration; but as he would have other opportunities of examining the details of the measure, he would not trouble the House at present with any further observations. All he had to say in conclusion was, that he hoped the Bill would be discussed with calmness and dignity.

MR. H. BAILLIE asked whether the same principle which had been laid down as regarded England, disfranchising boroughs with less than 300 electors, was to be applied to Scotland?

MR. F. FRENCH wished to know, with regard to Ireland, not only whether the boroughs having less than 300 electors were to be disfranchised, but also whether the counties in Ireland having more than 100,000 inhabitants were to have additional Members?

MR. ELLICE said, he could not allow

this Bill to be introduced without saying that he thought it rather hard that all the freemen in the country should be included in one general condemnation for corruption. It would be very ungrateful in him to join in that imputation which had been cast upon his constituents, seeing that he had represented those truly independent, honest, and incorruptible men of the borough of Coventry for nearly forty years in that House, and he defied the noble Lord or anybody who joined in that general imputation, to say that on any one occasion, at all events within the last half century, any complaint had been made of the corruption of the freemen who formed part of his constituents. This he would say, that during that long time, having been engaged in numerous elections, not always of the most quiet description, and contested with considerable feeling and excitement, he had never known an occasion in which freemen voting either for him or against him had received one shilling. He should be unworthy to represent those poor men in that House if he did not bear that testimony to their purity. In old times, it was true, there was great corruption among the freemen at Coventry, because there was great corruption in the corporation. There were large charities, and a distribution of these charities among the freemen certainly caused great corruption. The corporation had the whole civic force, and the elections were conducted on principles not calculated to preserve the peace. That had entirely ceased; and he now heard with equal surprise and regret these independent men included in the general condemnation for corruption. There was one good argument for this franchise of the freemen being supported. The noble Lord wished to give the elective franchise to the most meritorious and best informed of the working classes. Now, the process by which the freeman in Coventry gained his vote was, by serving seven years to one and the same master in that city, and if his conduct was not good during that period—and his master testified to it—he could not obtain his freedom. What better proof could they have of the fitness and the qualification of that workman? If they intended to give the elective franchise to the workman, what better proof of his fitness could they have than his having faithfully served one master during the whole of that time? And, he must say, this did not appear to him the precise and particular time at which they should take away the few franchises

left to the working men of this country. The working men of this country were now unfortunately engaged in a great struggle for the maintenance of the value of their labour. If they were obliged to maintain against them principles which were in themselves unanswerable, and in opposition to which these poor people were banded very much against their own interest, surely it must be most unwise to take away from them their right to a share of the representation in that House, and of the chance of their opinion being brought before the Government and the country. These considerations should, at all events, have some weight before they destroyed this class of voters. After what had been said by the hon. Member for Liverpool (Mr. Liddell), against whom charges of corruption had been made in that House, he could not sit there and allow those whom he had so long represented, and who had so honestly exercised their franchise, to be condemned without giving his testimony to their equal fitness to exercise the franchise to any other constituency.

MR. GEACH said, he should be equally guilty of ingratitude if he did not get up and bear his testimony to what had been stated by his right hon. colleague. He had had a great deal to do with the constituencies of this country, and knew very well the degree of intelligence that was to be found in boroughs and counties, from practical communion with a great number of the electors, and he did say most sincerely that the freemen formed a class of voters of greater aggregate intelligence than he had found in any other class of voters. Few men better understood political principles, or were more determined to carry those principles out without any corruption whatever. He said, with his right hon. colleague, that such men ought not to be disfranchised. The present generation ought not to be disfranchised, for where could they find such a set of men if these were taken away? He could say truly, from his experience of the borough of Coventry, that the class of voters were as independent, as intelligent, and as incorruptible as any other constituency whatever.

COLONEL SIBTHORP hoped the freemen of Lincoln and the freemen generally would treat with the same contempt that he did the unjust, unnecessary, and unworthy observations of the noble Lord. He wished Her Majesty's Ministers were as honest, and upright, and straightforward as the freemen were, and then they would

have a Treasury bench more pure, more to be relied upon, and better deserving the confidence of the House. He had known these freemen for many years, he entertained the highest opinion of them, and he would not condescend to say more in their defence. Objecting as he did to the Bill almost altogether, he would not trespass on the House more, than by again repeating that he hoped the freemen of England would treat the unworthy observations, and the unworthy stigma which the noble Lord had cast upon them with contempt.

SIR B. HALL did not wish now to raise any discussion upon the point, but he wished to ask a question of the noble Lord. The three hon. Gentlemen who had preceded him, had complained of disfranchisement as regarded their constituents, but he had to complain of a want of enfranchisement as far as regarded the metropolis. [*A laugh.*] Hon. Gentlemen opposite might laugh, and he had no doubt it was a cause of great satisfaction to them that additional representatives were not to be returned by the metropolitan boroughs, because they generally returned those who were opposed to hon. Gentlemen on the other side of the House. The noble Lord proposed to give an additional Member to the borough of Salford, and he took—so far as he understood—100,000 inhabitants as the point above which he would give a third Member. He asked his noble Friend, therefore, on what principle it was that he made such a distinction between the metropolis and the rest of the country?

MR. NEWDEGATE asked if the noble Lord had formed any estimate of the number of electors each constituency would have under this Bill?

MR. J. G. PHILLIMORE said, the proposal of the noble Lord as to the representation of minorities was a whimsical one, to say the least of it. He would ask was the noble Lord prepared to apply the principle to the proceedings of that House? For instance; that out of every three measures, the majority should carry two, and the minority one? There was another point with regard to which he suspended his opinion, coming from such a constitutional authority as the noble Lord—that relating to Members not vacating their seats on accepting office. The noble Lord said that that was a Tory measure. It was brought forward under Godolphin's Ministry as a compromise. A measure had been proposed to prevent Ministers sitting in the House, and as a compromise, Lord

Godolphin brought forward a measure to provide that any person who accepted office vacated his seat; and Mr. Hallam had described that as being a most valuable and serviceable provision. The noble Lord said that by this provision the Crown was restricted in its choice. But the noble Lord should recollect that it was part of a system; and the question was whether the disadvantages were not counterbalanced by the advantages.

MR. TUFNELL complained that the Bill did not deal with the property qualification of Members. In 1852, the noble Lord brought in a Bill repealing the property qualification altogether. He (Mr. Tufnell) had himself brought that measure forward in the last Session, and if he had not expected that it would have been dealt with in this Bill, he should have brought it forward again. It was known that this qualification was absolutely useless. They had granted constitutions to the colonies, and in every one of them had declared that every person who was qualified to be an elector, should also be qualified to be a representative. He hoped the same confidence would be shown in the people of this country; but as the noble Lord had omitted it, he could only say that he should take the earliest opportunity of himself introducing a measure to the House having that object.

MR. HUME said, one great object he had always had in view in promoting reform, was to bring within the pale of the constitution that great and valuable body, who had been very much neglected, the higher class of artisans. The noble Lord on a former occasion expressed exactly the opinion he (Mr. Hume) had always entertained, that the working class of this country had shown themselves so quiet and intelligent, that he admitted they ought to have the franchise. The present measure, however, so far as he saw, gave no opportunity for accomplishing that. He did not know how they were to be admitted under a 6*l.* franchise, and a residence of two years and a half. Such a provision would not admit more than one in 20. If it had been a 5*l.* franchise, and a residence of one year, many would have been admitted; but looking at the great change of employment, and the consequent necessity of the working classes having to go from place to place, the noble Lord would see that requiring a residence of two years and six months would exclude a great many of them. The franchise was to be extended



to the literary man and the man in high rank, but he saw no provision made for the masses of the people. At present the working men were nearly all excluded. He had seen a list of one thousand workmen at one of the largest manufactories, and there were only three voters among them. He was very much pleased, however, to see the extension there was, and that the noble Lord persevered in bringing forward the measure at the present time. He very much approved of Schedule A. The existence of the constituencies in Schedule A had been the reproach of this country. He thought also that Schedule B might be considered valuable. He should also have much preferred that the noble Lord should have brought down the suffrage to one universal standard—namely, the municipal suffrage. He asked the noble Lord whether any estimate had been formed of the number of electors there would be under the new franchise. At the present moment there were in round numbers 900,000, and he wished to know whether they would be increased or lessened? He hoped the House would not agree to the proposition to give a representative to the minority, because all our institutions were grounded on the principle of a majority, and he should be very sorry to see any innovation on that principle. He wished also to ask how it was that while the borough of Salford was to have another Member, the borough of the Tower Hamlets, with a population of more than 400,000, was only to have two Members.

MR. DRUMMOND: It is not likely, Sir, that I, who so much dislike the first Reform Bill, should look upon the present with very favourable eyes. That measure was hailed as a revolutionary measure by every man in the country who liked revolutions, and it was repelled by every man who disliked revolutions—both of them alike calling it honestly by that name. Sir, I find no fault with the noble Lord for pursuing the course on which he then entered. But, Sir, I confess I am again somewhat perplexed—as I was last year—to know how to interpret our common language, when I hear such a policy characterised by the noble Lord at the head of the Government, as Conservative progress. Sir, it is progress undoubtedly—progress in that revolutionary policy which the noble Lord himself so characterised 21 years ago, and which I still think entitled to that character. Now, Sir, not to call names without

stating clearly what I mean, I mean this: that you are now trying—as you were then trying—to sever property from power. And, no matter by what means you do it, or what words you use, that severance is Socialism. Whether it be wise in the noble Lord to bring in such a Bill at this time, I care not; perhaps it is immaterial. I do not think it matters much whether we are to discuss it in a state of war or peace, in this point of view—for the measure itself contains within it that which sooner or later must be destructive. It is of no use in the world speaking of it in other language. There is no reason in the world for stopping where you propose to do now. Sir, this measure is incense offered to that party whom, for a quarter of a century, the noble Lord has idolised—a party who honestly declare, without any disguise, that their intention and their hope is to establish shortly democracy in this country.

MR. J. BALL, without professing to measure himself with the hon. Member for West Surrey (Mr. Drummond), ventured to express his opinion that the admission to political power of the activity and intelligence of the working classes was a most eminently Conservative measure. When he saw what those men had done in every department of industry, he felt convinced, if the franchise were withheld, they would take some short and perhaps dangerous way of obtaining it. With reference to the observations of the hon. Member for Montrose (Mr. Hume), he would remind him of the provision which supplied, to a certain extent, the defect pointed out—he alluded to that provision by which those who had 50*l.* in a savings bank were to become entitled to the franchise. He trusted that principle would be extended not merely to those who had money in savings banks, but to those who had effected assurances in any shape, which was quite as good a test of the working man's character and ability. The noble Lord had not yet alluded to Ireland. Although it was true the public mind was preoccupied with grave matters, it would cause great disappointment and dissatisfaction in Ireland if the same Session which saw the application of sound and rational views of reform to England, was allowed to pass without a settlement of the same question in Ireland; and if any unforeseen obstacles should prevent the introduction of the Bill with regard to Ireland, he hoped the whole question would be postponed.

**LORD JOHN RUSSELL:** Several hon. Members have asked me, as well as the hon. Gentleman who has just sat down, with respect to the measures for Scotland and Ireland. All I can say is, though I will not attempt to explain those measures, the same principles will be applied generally to Ireland and Scotland; and whilst the number of Members for Ireland will be the same, the number for Scotland will be three more than at present. With regard to any other provisions, I must beg leave to decline answering any questions with respect to them at present; the Chief Secretary for Ireland, and the Lord Advocate for Scotland, will at the proper time submit the measures for those two countries to the consideration of the House. The hon. Member for Marylebone has asked me why there is not a greater addition to the number of metropolitan Members. There is to be a new borough created of Chelsea and Kensington, which will return two Members; and really I think that a sufficient addition to the number of metropolitan Members. When we consider how much the metropolis is like one town, and the advantage the Members have of always being here with their constituents—when we consider that those Members, like my hon. Friend, have frequent communication with their constituents—and perhaps after seeing some hundreds of them in the morning, come here at night to express their views—I think the metropolis—except of course that part which I have the honour to represent myself—is sufficiently represented. The hon. Member for Coventry objects to the proposal for the future disfranchisement of the freemen. I can only say, not denying anything he says with respect to the freemen of Coventry, to whose good conduct he bears testimony, that complaints of the conduct of the freemen generally have been made; and when inquiries have been instituted, the general opinion with respect to the freemen has been, that they are a class more particularly liable to the charge of bribery and corruption than any other. We do not propose to take away the votes of the present holders, but to prevent such a class of voters being perpetuated. I do not wish to enter into the details of the measure—I would rather the House should seriously consider those details when the Bill is before them; I am aware that with every explanation I shall give, they cannot form such an adequate conception of its provisions as they will really obtain by a careful

study of the Bill itself. I only hope the House will give it their impartial consideration, and I am sure they will see—for it is sufficiently apparent—it has not been drawn with reference to party views, but with a view solely to obtaining the best general representation of the country. The hon. Member for West Surrey says the whole of this plan, as that of the Bill of 1831, is intended to advance democracy. I differ entirely from the hon. Gentleman in this particular. I remember very well the predictions of 1831—the King was to quit his throne—the House of Lords was to be abolished—every sort of calamity was to fall upon us. For my own part, if I have not been a very inaccurate observer of events, I think the populace during the time of the reformed Parliament have become more attached to the institutions of the country, more decided in their affection to the Throne, than they were in those times. One thing I remember very well: that in the year 1819—at the close of the year—the Minister came down here with six Bills, which he introduced into this House. One was to prevent public meetings; another was to gag the press; another was aimed against another popular right; and all were, as Lord Castlereagh described them, measures of strong coercion to repress the feelings of disaffection which generally prevailed. Let us not forget the words of my noble Friend the Home Secretary (Viscount Palmerston), that there are more than one kind of revolutionists—there are those who seek directly, by tumult and violence, to institute a different form of government, and others who, by opposing all well-considered and useful reforms, impede all moderate progress, and thus produce the necessity of those violent changes which they profess to dislike. Sir, my belief is, that this measure is what my noble Friend at the head of the Government characterised as liberal and conservative. I think it both liberal and conservative, and that it comes under the description which he gave of those measures which Ministers would undertake.

**MR. NEWDEGATE:** The noble Lord has omitted to answer the question I put to him.

**LORD JOHN RUSSELL:** With respect to the hon. Gentleman's question, I have not ventured on any figures, as it is difficult to say how many of a certain class now have votes, and therefore to ascertain what additional number of voters will be

created. All I can say is, we have endeavoured to introduce classes well fitted to exercise the franchise, such as those who have 50*l.* in a savings bank; and the greater the number of voters from those classes the better.

MR. W. D. SEYMOUR inquired whether the two years and a half residence was to be in the same house or in the same borough?

LORD JOHN RUSSELL: In the same borough, but not necessarily in the same house.

MR. T. DUNCOMBE thought the measure ought to be judged of as a whole; and he believed that as a whole it would become, with some amendment, a most excellent measure. What the noble Lord had now to do was to convince the country that the Government was in earnest, and that they were determined to pass a Bill that should improve the representation of the people. Let the noble Lord on no account listen to hon. Gentlemen opposite, or to those other evil counsellors with whom he was doubtless beset, and postpone the discussion of the measure until the question of war or peace had been settled, or, in case of war, until peace had again been restored. If they were to wait till the termination of the expected war, who could say when such a struggle as that with which Europe was threatened would be concluded? Hon. Gentlemen said, "war to the knife," but the country would think well of the Bill when they heard that. For what did hon. Gentlemen opposite do, or rather mean to do, with reference to the Bill of 1852—a Bill which no one on that side of the House thought worth discussing? Even the right hon. Gentleman the Member for Carlisle (Sir J. Graham) denounced it on the hustings. He said, and said truly, that it could do no good, and that it was adding littleness to littleness, and corruption to corruption. The present measure was much better. In the first place, the Government had given them an honest Schedule A, and also a very fair Schedule B, for they found in them several Whig boroughs. There was Calne, for instance, the borough which was the subject of so much dispute in 1831 and 1832. So also there was Lord Zetland's borough—there was no need mincing the matter, for everybody knew what nomination was—Richmond, in Yorkshire. There was Arundel, too. The disfranchisement of these Whig boroughs was a good step, and all the

noble Lord had now to do was not to listen to any proposal to postpone the measure. Let him fight it out in the House, and let him trust the rest to the people. Hon. Gentlemen opposite would probably do what they did in 1852. He had in his hand a list of above a hundred hon. Gentlemen who met at Lord Derby's when they had only the little Reform Bill of 1852 before them. He would not read the names, for the House might easily guess who would be present on such an occasion. There was for instance, the right hon. Gentleman (Mr. Disraeli), who by some accident got into office the year before last. But the report of the meeting proceeded thus:—"At a meeting held at Lord Derby's house yesterday, the policy to be pursued by the Protectionists with respect to the Reform Bill was discussed, and it was unanimously—'unanimously'—determined to oppose the second reading of the Bill." That was just what they would do now, and now they had got an impending war thrown in to assist them. Therefore, he again warned the noble Lord not to listen to them, for they would oppose any Reform Bill, whether it was only a little one, or one of larger dimensions. How far the present measure would be popular, would depend upon how far it opened the door—as the noble Lord called it—to the industrious classes. The two and a half years, he thought, was objectionable, for it might be extended to three and a half; because the term might be completed just after the time for registration, and then a man would have to wait till the next year. This was not the time to go into details; but he thought the noble Lord's explanation respecting the metropolitan boroughs was not quite satisfactory. Those boroughs were very large, and being close at hand their Members had more to do; and that was a reason, he should have thought, why there should be more of them. In conclusion, the noble Lord must depend upon the support of the country, and the exertions of his own Government, to give effect to a measure of justice to the working classes which, he thought, had been too long delayed.

MR. E. BALL could not allow the debate to close without expressing his gratitude to the noble Lord the Member for London for his proposal to give the London University the right of being represented in the House of Commons. The noble Lord might be assured that they were never so safe as when they gave power to mind, and

that the representation of the country could not be better advanced than by conferring the franchise upon the educated portion of the community; and, on behalf of the University of London, he begged to thank the noble Lord for the privilege he proposed to confer upon it.

MR. HEYWOOD observed that in the county of Lancaster the admission of the 10*l*. householders would about double the number of electors, and at the same time it would, of course, double the expense of elections, as twice the number of electors would have to be brought to the poll upon each occasion.

MR. MURROUGH: Sir, I must confess that I feel some disappointment, which will also be entertained by the great operative constituencies of this kingdom, that this Bill falls short of the one formerly introduced by the noble Lord in one important particular, inasmuch as it contains no provision for the abolition of the property qualification for Members to serve in Parliament;—and in the remarks which I am about to make on this subject, I will not weary the House by a recapitulation of those reasons which naturally suggest themselves why a constituency should be most unfettered in the choice of its representatives; neither will I dwell upon the fact, fraught though it be with conviction, that Scotland, in nowise affected by this law, returns to this House representatives in property, in talents, and in integrity, inferior to none. But I will rise at once to the summit of the argument and endeavour to demonstrate not only that this law has ever been systematically evaded, but that to its systematic evasion this House, at the most brilliant periods of its history, has been indebted for its most illustrious ornaments. Addison, the author of a literature, the mainstay of a great political party, redeemed from absolute necessity by the emoluments of office. Sheridan conspicuously, where all was radiant, yet kept in perpetual penury by follies which were but as moths in the sunbeams of his genius. Curran, the spirit of his age, possessing an intellect which proclaimed its more than earthly origin, but denied by a too frugal providence the meanest gifts of worldly affiance; and Sheil, the brilliant author of *Evadne*, whose early life was subject to all the vicissitudes of a capricious fortune, but on whose accents I have known this House to linger with an admiration so breathless that every word bore the operation of a spell, and every pe-

riod of an enchantment. These men, whose words (whether uttered in defence of a nation's freedom or with the vivid denunciation of a brilliant eloquence, scorching corruptions which no fires save those of Phlegethon can ever utterly consume) are still revered as a nation's oracles. These men, I say, on their first advent to this House, never could have had *bond fide* property qualifications.

Sir, averse at all times to aught that may savour of personality, I congratulate myself that the recollections of the past furnish me with sufficient illustrations for my argument, to preclude the necessity of reference to modern instances; but I shall not exceed the boundaries of Parliamentary usage or the time of debate when I put it to the House whether there are not men on both sides of that table who have served the country with utility to the public and honour to themselves, who on the door and threshold of their Parliamentary career, when perchance their hopes were at the highest, and their aspirations at the brightest, were utterly without *bond fide* property qualifications.

But, Sir, it may not be uninteresting for the House to pause for a few short moments, and consider the position of the three parties more immediately affected by this law, the unseated but elected representative; the candidate discarded at the poll, but successful by usurpation; and the constituency cheated of its privileges and defrauded of its franchise. With respect to the first, I will not offend the taste of the House by dilating upon the humiliation of a sensitive mind wrung by a personal indignity which none but the most lost and sordid could inflict; neither can we derive any satisfaction from the consideration of one whose path to the House is strewn with dishonour, and whose only title to a seat among us is a sufficient patrimony; but to the constituency we may most usefully direct our attention. Prior to the election the pretensions of both candidates may have been equal; of the extent of their fortunes, all but the venal must be profoundly ignorant; at length they proceed to the contest, and perhaps they select their man as the uncompromising advocate of civil and religious liberty, or in his varied acquirements they discern the material of future statesmanship; perchance his claims are of a less exalted character—aptitude for public business or strong sympathy with local interests. At length the election is declared void; and through the



instrumentality of one of those wretched agents (who, like other vermin, are generated in commingled heat and corruption) they find themselves deprived of the representative of their choice, and have foisted on them one whose person they loathe, detest, and abhor; whose manners perchance are the graces of a stable yard, and whose highest talents are the vulgar, cunning, and low-lived astuteness of a pert and pettyfogging pleadership. Perchance there are some present who may deem that I have delineated character with somewhat too much severity. I trust that I can make due allowances for errors of judgment; but between the meaner vices of sordid minds and the infamy of debased ones, I will not stop to discriminate.

Sir, I am well aware that it may be urged upon this as upon a recent occasion that our system is not yet ripe for important reforms, and that in favour of the abolition of this law no agitation prevails. The representatives of operative constituencies know well enough the groundlessness of such assertion; but, Sir, I again reprobate that shortsighted policy which promulgates the notion that nothing will be yielded to inherent justice, but all to the violence of agitation. I believe that the publication of such opinions will be found destructive both to Government and the safety and stability of that property, the rights of which you are so accustomed to overestimate. I feel satisfied that if you succeed in infecting the public mind with a doctrine so pernicious, you will destroy the best feelings of that populace which has now become the people of England, and convert them from the industrial authors of a nation's wealth into a blazing mass of hot and revolutionary embers. Under convictions of this nature, and the default of the noble Lord, I shall take an early opportunity of moving the House for leave to introduce a Bill on this subject.

MR. MAGUIRE said, that had the Bill been entirely confined to England, he should not have risen to make even a single observation. There was, however, one provision in it which affected Ireland and Scotland as much as England, and which was quite sufficient, in his judgment, to alarm the constituencies of the United Kingdom. The provision to which he alluded, and to which he would invite for a single moment the attention of the House, because he believed it to be fraught with danger, was that which proposed to repeal the enact-

ment of the Statute of Anne, which compelled every Member of that House, on accepting Government office, immediately to vacate his seat, and to go again to his constituents for re-election. In his own country an instance had occurred in which sixty Members of Parliament, whose elections had been secured by great sacrifices on the part of the constituent body, had assembled in a room in Dublin, and had made a solemn and sacred declaration, in the face of the country, in favour of the adoption of a certain line of policy. Whether that policy was right, or whether it was mischievous, was a question which he would not now discuss—at any rate, it was a policy which had the sanction of the great mass of the Irish people. Since that time certain of those Members of Parliament had been received into the Government, and had been obliged, in consequence, to go before their respective constituencies, and to stand or fall by their verdict. He need not say that those Members were successful; but suppose this Bill were passed, and the salutary provision which had so long existed were altogether done away with, what check would they have upon corruption? If 100 Members of Parliament were to pledge themselves to a certain policy, and the wholesome check which the present law provided were abolished, every man of easy virtue would sell himself to the Government, to do the Government work, and would abandon his constituents. There was no man holding even the lowest situation in a gentleman's family, whose state of servitude was more degrading or complete than that of the Member of that House who accepted a subordinate situation in the Government. He must think with the Government; act with the Government; vote with the Government. The mind of the Government must be impressed on his mind, which for that purpose must become a mere *tabula rasa*, and receive new impressions from the Government alone. There could be no two characters more distinct than the man who pledged himself before his constituents to adopt an independent policy, and the man who turned round and pledged himself to the Government. If a man now made a compact with the Government, he had to go again to his constituents, who were to say whether they would re-elect him or not; let that check be removed, and there was not a political adventurer who would not take advantage of it. He thought, there-

fore, that the noble Lord's proposal would be fraught with great danger to all parts of the United Kingdom.

Bills *ordered* to be brought in by Lord John Russell and Sir James Graham.

#### COMPLAINT—ALLEGED CORRUPTION OF IRISH MEMBERS.

MR. I. BUTT rose for the purpose of nominating the Committee of Privileges agreed to on Tuesday last, "to whom is referred the Complaint of the paragraph contained in the *Times* newspaper of Monday last; to move that the said Committee shall consist of twenty Members." The hon. and learned Member, after giving a list of the Members whom he proposed to place on the Committee, proceeded to say that two of the Gentlemen whose names were proposed had refused to serve. He proposed, however, to retain the number of twenty Members, in conformity with the precedent that had been set in 1834. He should not object to the appointment of more than twenty Members upon the Committee; but he would state the reason why he had proposed twenty as the number. It would be in the recollection of the House that when he proposed the appointment of the Committee, he referred to a precedent in the year 1834, the only precedent which he could find to justify the proceedings he asked the House to adopt; and, in a matter of this nature, and involving such important considerations, he thought it infinitely better that as far as possible the precedent of 1834 should be adhered to in the Resolutions he now proposed. He had copied the Resolutions passed in 1834 word for word, and, on referring to the Journals of the House, he found that the former Committee was composed of twenty Members, some of them—among others Sir Robert Peel—being among the most distinguished Members of that House. He believed himself justified, therefore, in assuming that the authority of Sir Robert Peel was given to the course pursued in 1834 in the nomination of twenty Members upon the Committee. He should now, in the first instance, move that the Committee to be appointed by the House consist of twenty Members.

MR. HUME said, there was a rule of the House that no Committee should consist of more than fifteen Members, unless there were some special public reason for appointing a larger number. He thought that no such reason existed in the present

case, and he should certainly object to so numerous a Committee as that which was now proposed. He had rather that the number should be limited to five.

SIR GEORGE GREY agreed with his hon. Friend the Member for Montrose. A great change had taken place in the practice of the House since the precedent to which the hon. and learned Gentleman the Member for Youghal had referred. At that time there was no limit as to number; and the practice of appointing small Committees in the nature of judicial Committees had not then been adopted. He thought it improper, in a case of this kind, to appoint even so large a number as fifteen. The charges which had been made were such as ought to be judicially and carefully inquired into. If they had a large Committee they must have a *quorum*, and they would have some Gentlemen coming in one day, and some another—some hearing one part of the evidence, and some another—and at last a decision would be come to by those who had been present at parts of the inquiry only, instead of having heard and given their attention to the whole case. In all recent cases the practice had been to appoint an impartial Committee, consisting of a small number of Members, and to require that every Member of that Committee should be present throughout the inquiry. If ever a case required a Committee of that character, it was the case which was now before the House. He was sure that the only wish of the hon. Gentleman opposite was to have a thorough investigation; but he had not been long in the House, and had not had an opportunity of watching, as other hon. Members had, the changes which had taken place in its practice. It was for this reason that he now called his attention to the fact, that what was in accordance with precedent in the year 1834, would be contrary to all recent precedent if it were adopted now.

MR. LUCAS did not claim to have such experience of the House as to entitle him to oppose the opinion of the right hon. Baronet; but he wished the House to consider the position in which this question was placed, and they would see that the mere appointment of a Committee was not a step capable of carrying out the object in view. The House had decided that it was necessary to the vindication of its honour—that was the expression used by the noble Lord the Member for London—that

the complaints which had been made should be subjected to a full and searching investigation. The House was then to consider what those complaints were. The charge was not confined to the specific facts brought forward by Dr. Gray and Mr. Kelly, but a general charge had been made against 100 Members of the House by the *Times* newspaper. The paragraph in the *Times* was read at the table, and complaint was made that it contained accusations against the general body of the Irish representatives; and a Committee was appointed to investigate that complaint. What was the nature of the charge into which the Committee had to inquire? If the charge was true, it referred to one of those offences which in their nature being secret, caused great difficulty in their investigation; and what was the course which after long experience it was found necessary to pursue in dealing with those secret offences? If it was decided to get at the bottom of bribery in a borough—as in the case of St. Albans—what was done? He did not allude to the issuing of a Commission alone, but to the accompanying of such a Commission by a Bill of Indemnity to witnesses, so as to induce them to give evidence. If you wanted to get to the bottom of the complaints brought forward by the hon. Member for Youghal, there was no other course but to pass a Bill of Indemnity, so that the witnesses might be in a condition to give their evidence without risk to themselves. He had no desire to say that any one in the House was desirous of cloaking the affair, but it was clearly an analogous case to those in which Bills of Indemnity were passed to secure witnesses from the effect of any disclosures they might make, and unless that was done, there was no chance of getting them to speak out. He would appeal to the House, not simply to appoint a Committee of Inquiry, but also to pass a Bill of Indemnity to witnesses. He had additional reasons for pressing this, from something which had come to his knowledge since this matter had been brought forward. On looking over the *Times* newspaper, he found facts with regard to the sale of offices of which he had heard before, but which having looked into with reference to the discussion, had caused him the greatest amazement. He found from the columns of the *Times*, in which the accusation had been made against Irish Members, that there were offices under Government legally saleable—that the

*Times* itself was a party to negotiating the sale of Government offices, which in its columns were described as legally saleable. He would lay before the House some advertisements which he had copied from the *Times*. He had looked over the file since first this question was brought forward, and he was anxious to see if there was any difference in the number of advertisements of this kind when Parliament was sitting and during the recess. He would first read one or two advertisements, and he would direct the attention of the noble Lord (Lord J. Russell) to the first, because he wished to put a question to him with regard to it. He found in the *Times* of the 11th of January, the following:—

“Douceur.—200*l.* will be paid at once to any lady or gentleman who will legally procure for advertiser, a young man of business habits and who writes well, a permanent Government situation worth 200*l.* per annum. The strictest secrecy will be observed in the matter. Address L. S. D., Post Office, Cork.”

Among others, he found, on the 28th of January, the following:—

“Douceur of 100*l.* for five years will be given for a Government or other situation, legally saleable, of not less than 300*l.* per annum, by a gentleman, aged forty-eight, who withdraws from one of the liberal professions. Strictest secrecy may be relied on, and security, if required, on leasehold property. Address J. M., 121, Edgeware-road, Paddington.”

In order to bear out his (Mr. Lucas's) statement that 9*l.* had been offered in Dublin for a situation as porter in the Customs, he would read an advertisement which matched it exactly. It appeared in the *Times* of February 4th, and was as follows:—

“Douceur.—10*l.* or more will be given by the advertiser, a young married man, aged twenty-nine, of excellent character, who is about leaving his present situation, to any person legally obtaining for him a situation in any of the Government or public offices as messenger, light porter, or gatekeeper. Unexceptional reference. Strictest secrecy may be relied on. Address to A. B., South Lambeth Post Office, London.”

In one advertisement the address was to “Cyrus,” Office of the *Civil Service Gazette*. He was not certain whether the office required was a Government office, but he had an advertisement in the *Civil Service Gazette* itself of the 28th of January, as follows:—

“Bonus of 500*l.* cash.—This sum will be given to any person procuring for a gentleman, highly educated and qualified, a permanent public appointment at a yearly salary of 250*l.* to 300*l.* per annum. Address Zeta, Post Office, Hampstead.”

He was curious to see if there were any advertisements of a contrary character—namely, from persons wishing to sell places. The only one he could find was doubtfully expressed:—

“Appointment of 100*l.* per annum will be procured by the advertiser in a very old-established business, duties ten till three, for any gentleman competent, who will lend the advertiser 250*l.*, at 5 per cent, for three years, payable annually, and the appointment certain for the whole term. Apply by letter to G. S., 48, Lamb’s Conduit-street.”

Now, any Gentleman acquainted with the business of this country would think that there was no old-established business in this country, except that so admirably managed by the right hon. Member for Wells, where the office hours of clerks were limited from ten to three. There was the fact of a number of advertisements offering offices for sale. With regard to whether there was any difference in the number of such advertisements in the recess and during the sitting of Parliament, his researches from 1st January to 8th February, had produced a curious result. There were twelve of such advertisements in the month of January; but on the 31st the Queen’s Speech was delivered, which announced a reform in the civil service, and the day after the Speech the number of advertisements in the *Times* began to increase, and from the 2nd of February to the 8th there were no less than fifteen, so that it appeared that the number was increased after the meeting of Parliament. This was not so light a matter as some Gentlemen might think when they heard the provisions of 49 *Geo. III.* He would call the attention of the House, and of the proprietors of the *Times*, and the *Civil Service Gazette*, to the provisions of that Act. He had in his hand *Russell on Crimes*, and in chapter 15 he found it laid down that the buying and selling offices was an offence indictable at common law, and that persons conspiring to obtain from the Lords of the Treasury any office in the Customs were indictable for misdemeanour. By 49 *Geo. III.*, any person paying money for the soliciting of an office, or assisting in any negotiation for the purpose (and this concerned the *Times*) was guilty of a misdemeanour. The 5th and 6th sections were important to newspaper proprietors, for it was enacted “that if any one should keep a house for the purpose of negotiating, or if any person advertised, or printed any advertisement

containing any proposal for the sale of an office,” was guilty of a misdemeanour, and liable to a penalty of 50*l.* The *Times*, therefore, by printing such advertisements, brought itself within the spirit of that clause. He was not anxious to press for pecuniary penalties on any one, but he wished to press on the House that the act of advertising such sales was illegal, and that such advertisements offered clear evidence of the existence of such transactions as the Committee in this case proposed to inquire into. No one after reading those advertisements could deny that negotiations for the sale of offices did take place. These advertisements were put forward in the most glaring and offensive form, and that they were of an illegal and disgraceful character was vouched for by the fact that every one of them was to be private, and that some disgusting secrecy was to be preserved. They were kept in perfect secrecy because they were known to be so disgraceful that no respectable man would wish to be a party to them. The facts ought to be inquired into, if they desired to preserve the House pure; and they ought to give an indemnity to every one who came forward in the matter. In cases of bribery they knew that they would get no evidence of the facts unless they gave an indemnity to the witnesses; and this matter was analogous to a case of bribery. He, therefore, called on the noble Lord to inform the House whether he would, in order to facilitate the inquiry, and to make it effective, consent to the passing of a Bill of Indemnity to indemnify the witnesses who came forward to throw light on this matter?

MR. GOULBURN said, that the argument of the hon. and learned Gentleman had no reference whatever to the question before the House. Every one knew that the sale of offices was an offence at common law; but the question now before the House was whether the House, having agreed to appoint a Committee for a stated purpose—that purpose being to inquire into charges made against individual Members of the House—that Committee was to consist of one certain number of Members or another? Since 1834 the practice of the House had been to appoint a very reduced number of Members; and this being so, he thought that a question affecting the honour of Members should not be left to a varying quorum, but that every one who was appointed should be appointed under the solemn obligation of listening to all

*Mr. Lucas*



the evidence that might from day to day be brought before it. When the hon. and learned Gentleman asked for a Bill of Indemnity, it was evident that he had but little knowledge of the power or practice of the House, because the House possessed ample power to indemnify any witness against the consequences which his evidence might entail upon him. He hoped the House, therefore, would not be turned from proceeding to what was necessary for the honour of its Members under the idea that it had not power to protect the witnesses who gave evidence.

SIR JOHN PAKINGTON thought, that the right hon. Gentleman in the chair might enable the House to settle this question without further debate. No doubt the charges brought forward involved the honour of the House and the character of some who were believed to be now sitting in it as Members. It was, therefore, imperatively necessary that the case should be investigated with the utmost care and impartiality. In order that any Committee on this subject should act as a Judicial Committee, it was most essential that a Committee should not be formed of a large number of Members, and that there should be no *quorum*, every Member of the Committee being called upon to attend the sittings. But the House must feel that so large a number as a Committee of twenty would be attended with considerable inconvenience. In a somewhat analogous case, relative to the Carlow election, in which the late Mr. O'Connell was concerned, the Committee was, he believed, composed of eleven Members. In 1845, a Committee of fifteen was appointed to examine into matters affecting the character of Members of that House. He was aware that if the right hon. Gentleman in the chair would say that, in his judgment, a smaller number of Members would be consistent with recent precedents, the judgment of the House would be in favour of the smaller number.

LORD H. VANE had been a Member of a Committee of Privileges which sat some years ago, and, from the experience he had then had, he could not recommend the House to nominate a similar Committee. A certain number of Members was specially nominated, but as it was a Committee of Privileges, every Member for a county, every merchant, and every gentleman of the long robe, might attend it. Members, therefore, voted who had only heard a portion of the evidence. Any Committee of

varying number would be most injurious to the ends of justice in the present case.

MR. SPEAKER: In answer to the question put to me by the right hon. Gentleman (Sir John Pakington), I beg to state that I should not venture to give an opinion as to the number of which the Committee ought to consist. But the practice of this House has been to refer matters affecting its privileges to a Committee of this House called the Committee of Privileges, which is a standing Committee, appointed every Session. A certain number of Members are named to serve upon this Committee; but county Members and gentlemen of the long robe may attend it, and it consists, indeed, of nearly as many Members as the House itself. But matters are very often referred not exclusively to this Committee, but to a Select Committee of the House appointed like other Committees. In 1834 the practice was to appoint Committees of twenty Members; but since that period the number of Members is very much curtailed, and there is now a standing order that, without special leave of the House, the number of Members upon a Select Committee shall not exceed fifteen. At a later period still all those Committees which were in their nature Judicial Committees were composed of a small number of Members, and the House insisted upon all the Members being present every day. The practice has been to appoint Committees of from five to ten Members without a *quorum*, whereby every Member is obliged to attend every day. That is now the ordinary practice, and as this Committee is merely a Select Committee, and not a Committee of Privileges, it comes within the ordinary practice, and may have the smaller number of Members.

MR. J. E. DENISON thought that, after what had been said by the right hon. Gentleman, the House would no longer consider it necessary to appoint a large Committee. On a former occasion the right hon. Gentleman had reduced the number to eleven, for which he said he had a precedent. If they followed the precedents of the House down more nearly to the present time, they would find that number had been diminished by about half, and that in Election Committees the change to five had been very advantageously adopted. If he might take the liberty of making a suggestion to the hon. Gentleman opposite, he would say, if he (Mr. I. Butt) were disposed to depart from

the original number of twenty, he should not go back to a practice which had been advantageously discontinued, but should constitute this Committee one of five, to be chosen by the Committee of Elections. It was a question for the House to determine in what manner a Committee, having constitutional functions to perform, should be chosen so as to perform them to the best advantage and to give general satisfaction. During the last Session he had the honour to act as one of the Committee of Selection. They had this Session been so good as to relieve him from that obligation; but, without reference personally to himself, he now undertook to suggest to the House that no other course, in appointing a Committee of this sort, could be taken with such advantage as that of referring it to the Chairman and Committee of Selection. There had been a question between a Committee of Selection and the Committee of Elections; but he thought that those matters, not of a party character, should be referred to that Committee the duties of which were more immediately confined to the business of the House, and one from which all party feeling should be excluded; but the other was a different tribunal, to arrange matters in which party balances were taken into account.

MR. HILDYARD said, notwithstanding his reluctance to differ from so high an authority, he could not refrain from expressing his entire dissent from the doctrine laid down by his right hon. Friend the Member for the University of Cambridge (Mr. Goulburn). In answer to a suggestion of the hon. Member for Meath (Mr. Lucas), his right hon. Friend had stated that the hon. Member for Meath was in perfect ignorance if he thought the House could not indemnify a witness. He (Mr. Hildyard) trusted that House never could and never would indemnify a witness who had violated the law of the land. Suppose the first witness were asked this question—"Have you been guilty of trafficking in offices?" Would not that witness be justified in saying, "I decline to answer that question, because it may subject me to punishment?" Not only would he be justified, but probably would do it, and the House could not treat that witness as a witness in contempt, because he would only have availed himself of a privilege that already existed. He only rose to make this statement in consequence of what had fallen from so high an authority

as the right hon. Member for Cambridge, and he (Mr. Hildyard) thought it right the country should know that the House had no such privilege.

MR. F. FRENCH conceived that the number of the Committee was a matter of very slight importance indeed; the House ought rather to have regard to its ability and intelligence. He, for one, approved of the suggestion thrown out by the hon. Member for Meath (Mr. Lucas), and considered they ought to issue a commission. This was the only course to be adopted if the House would show itself properly watchful of its own character, which had been attacked through the Irish Members. This was the only course for the Government to follow if they would avoid the accusation that they had stepped in to shield Members of Parliament, of whose guilt they had cognisance, from the ignominy to which their conduct had exposed them. He hoped, therefore, that his hon. and learned Friend would keep the matter in his own hands, and on the Committee deciding that a *prima facie* case for inquiry had been made out, that a commission should be appointed with the fullest powers to examine witnesses compatible with the utmost limits of the law. In that way alone could the indiscriminate charges of the *Times* newspaper be satisfactorily disproved; and on the part of the Irish Members he dared them to the fullest inquiry, and he trusted that from that inquiry there would be no shrinking back.

MR. I. BUTT said, he had waited for some time in the hope that a distinct proposition, by way of amendment to his Motion, would emanate from some hon. Gentleman; but as none such had been delivered, he considered himself now as about to speak in reply. Well, then, if any subsequent Amendment was moved, he should still consider he had an opportunity for reply. He confessed, however, that he felt himself in rather an awkward position, because, though pressed by the great weight of authority brought against him, his own judgment remained uninfluenced. Two proposals had been made: the one that the numbers of the Committee should be reduced; the other that the appointment of the Committee should be referred to the Committee of Selection. Nevertheless, the two proposals were perfectly the same. He wished to deal with both. For himself, he had no other desire but that the inquiry should be as full and as severe

House of Lords were made upon that occasion.

SIR J. YOUNG : I did not say this House had power to grant a Bill of Indemnity, but I said the House had within itself ample power to protect the witnesses examined before its Committees. There is a remarkable difference between the two things. One does, and the other does not, raise the question of privilege which was raised by the hon. and learned Member for Whitehaven (Mr. Hildyard).

MR. ROEBUCK : But, suppose a witness makes a confession of corrupt practices before a Committee, can the House shroud him? I should believe, from all my experience in matters connected with the law, this House would not and should not endeavour to do so. If a man were to make a confession, and I indict him, he having confessed he was guilty of an act contrary to law, this House could not interfere.

MR. I. BUTT said, if the House would permit him, he would withdraw the Motion for twenty, and substitute fifteen.

MR. SPEAKER said, it would not be necessary to resolve that fifteen should be the number, as the usual constitution of such a Committee was that number. It was only necessary to withdraw the Resolution.

*Motion withdrawn.*

House adjourned at half after Nine o'clock.

## HOUSE OF LORDS,

*Tuesday, February 14, 1854.*

MINUTES.] PUBLIC BILL.—3<sup>d</sup> Assessed Taxes Act Amendment.

### RUSSIA AND THE PORTE.

THE MARQUESS OF CLANRICARDE : My Lords, I rise to call your Lordships' attention to the Motion of which I have given notice. And in doing so I feel it necessary, in consequence of some observations which fell from the noble Earl (the Earl of Aberdeen) on a former occasion, to assure your Lordships that no person is more anxious than I am at all times to preserve peace, if that object can be attained consistently with the interests, and still more if with the honour of this country ; and that any ground of quarrel which I may have with Her Majesty's Government is not that they have not earlier engaged us in war, but that they have

adopted—I doubt not with the sincere belief in the soundness and the peaceful tendency of their policy—measures which necessarily involved us in hostilities, and which are the cause of our being, if not actually, certainly on the brink of being, engaged in a great war. I cannot avoid saying that I do not see in their conduct of diplomatic negotiations those signs of vigour and that determination of purpose, by the display of which, in the first instance, they might, I think, have avoided the predicament in which we are at present placed ; and by which alone they may be able yet to preserve peace or to bring war to a satisfactory and early conclusion. I can assure your Lordships that I am not going into a minute and detailed review of the papers which have been laid before you. Let me, however, say that they are full of matter of the deepest interest, and that they appear to me to be for the most part written with great ability. I shall only shortly refer to some passages in them in support of the view which I have from the first taken of these transactions ; but, as I have already said, I will not detain your Lordships with any detailed examination of their contents.

My Lords, I have said, on a former occasion, and having examined the blue books before us, I say again, that the great error committed by Her Majesty's Government was the course they took when, having had a full report made to them of the warlike preparations of Russia, and of the menacing attitude which she had assumed, and having received information of the important mission of Prince Menchikoff—and of intentions which were suspected throughout Europe—they were invited by the French Government to consider the whole aspect of affairs in the East, and to come to a common understanding as to what should be the course of the two Powers on the occurrence of the contingencies to be anticipated. My Lords, I entirely concur with the course taken by Her Majesty's Government with regard to the origin of this unhappy affair—I think that we had nothing to do with the question of the Holy Places, as it is called. I think that the instructions contained in Lord John Russell's despatches upon that subject on the 28th of January are excellent. They simply instruct our agents that with that question, we have, and will have, nothing to do. But on the same 28th of January, the communication from the French Govern-

claration for a Member of the House of Commons—that he would not prove it. What was the reason? Why, because he could not. Let the Committee be appointed to enable him to do so. They invited him to do it. It was astonishing that he should not only attack living Members, but drag the name of the dead before them: one of their most illustrious men—one on whose lips senators had hung, and to whom, many a time, the House had listened with delight—and yet his name had been dragged from the grave and through a newspaper report; and an hon. Member had done all he could to vilify the character of that hon. Gentleman. He alluded to the late Right Hon. Mr. Sheil. It was a matter of justice to the Irish Gentleman accused that this inquiry should be made, and that no forms of the House should intervene to prevent it. The hon. Gentleman who had brought this matter before the House had put his (Mr. O'Connell's) name on the Committee, but he hoped that he might be excused; there was so much unpleasantness connected with the matter, and he was rather apt to push an inquiry on somewhat too hotly; he had, too, been engaged in personal conflict—though in public matters—with some of the Gentlemen who would have to be examined before the Committee. With that single exception he was prepared to give every facility to the fullest and most searching investigation.

COLONEL DUNNE said, he would remind the House that the notice that had been given by his hon. and learned Friend referred to the libels in the *Times* newspaper, and to those alone. Those libels made two charges of corruption against Irish Members, which applied to the whole body. His hon. and learned Friend had very wisely taken little notice of the *Times* newspaper, but had confined himself to the two assertions reported to have been made in Ireland. The Irish Members had for a series of years been accustomed to the libels of that paper, and he never recollected any great change in Ireland that was not preceded, speaking in a professional phrase, by a skirmishing fire of libels before the measure was brought forward. Those libels might be written by Members on the Treasury bench, or they might not; but whether they were or not, the charge was a judicial one, and ought to be met by a judicial tribunal; and he quite agreed with the hon. Member for Roscommon, that a Committee of the House was

*Mr. J. O'Connell*

not so good as a Commission, where they could examine on oath, and give that indemnity which was given in the most petty case of bribery. Corruption could not exist without two parties were cognisant, and the Government were bound to afford the means of the most stringent inquiry. He hoped that they would have the assistance of Members of the Government, for, though he was satisfied the result would be a contradiction of the charges, he hoped the Government would give them a tribunal more impartial than a Committee of the House. He would have appealed to the noble Lord at the head of the Government to grant a Commission, but that he saw he was not in the House.

SIR J. YOUNG said, that the noble Lord, in consequence of suffering from physical debility after his exertions in the early part of the evening, had left the House, leaving it with him to state anything that might be necessary on the part of the Government. As regarded the question of indemnity, he believed it would be admitted by all parties acquainted with the law that the House had in itself ample power to protect witnesses who appeared before its Committees. That was the case undoubtedly, and a Bill of Indemnity was perfectly needless in the present instance. With regard to the second point, the whole question was as to the number of the Committee. There was no question as to whether the nomination of the Committee should be in the House, or should be referred to the Committee of Selection, or the General Committee of Elections. The question was, whether this Committee should consist of twenty or a smaller number. Without giving any opinion on the part of the Government, he would refer them to the very high authorities who had already spoken, and to the fact that the House had been gradually reducing the number of Members on Committees with very great advantage. He was, therefore, of opinion that the proposition for the larger number ought not to be entertained.

MR. J. G. PHILLIMORE said, he could not hear the declaration just made without expressing his dissent altogether. He thought the right hon. Gentleman was quite incorrect with respect to the power of the House to grant an indemnity. In the case of Sir Robert Walpole, the prosecution was dropped in consequence of the rejection of a Bill of Indemnity, and some of the finest speeches ever made in the



House of Lords were made upon that occasion.

SIR J. YOUNG: I did not say this House had power to grant a Bill of Indemnity, but I said the House had within itself ample power to protect the witnesses examined before its Committees. There is a remarkable difference between the two things. One does, and the other does not, raise the question of privilege which was raised by the hon. and learned Member for Whitehaven (Mr. Hildyard).

MR. ROEBUCK: But, suppose a witness makes a confession of corrupt practices before a Committee, can the House shroud him? I should believe, from all my experience in matters connected with the law, this House would not and should not endeavour to do so. If a man were to make a confession, and I indict him, he having confessed he was guilty of an act contrary to law, this House could not interfere.

MR. I. BUTT said, if the House would permit him, he would withdraw the Motion for twenty, and substitute fifteen.

MR. SPEAKER said, it would not be necessary to resolve that fifteen should be the number, as the usual constitution of such a Committee was that number. It was only necessary to withdraw the Resolution.

*Motion withdrawn.*

House adjourned at half after Nine o'clock.

## HOUSE OF LORDS,

*Tuesday, February 14, 1854.*

MINUTES.] PUBLIC BILL.—3<sup>d</sup> Assessed Taxes Act Amendment.

### RUSSIA AND THE PORTE.

THE MARQUESS OF CLANRICARDE: My Lords, I rise to call your Lordships' attention to the Motion of which I have given notice. And in doing so I feel it necessary, in consequence of some observations which fell from the noble Earl (the Earl of Aberdeen) on a former occasion, to assure your Lordships that no person is more anxious than I am at all times to preserve peace, if that object can be attained consistently with the interests, and still more if with the honour of this country; and that any ground of quarrel which I may have with Her Majesty's Government is not that they have not earlier engaged us in war, but that they have

adopted—I doubt not with the sincere belief in the soundness and the peaceful tendency of their policy—measures which necessarily involved us in hostilities, and which are the cause of our being, if not actually, certainly on the brink of being, engaged in a great war. I cannot avoid saying that I do not see in their conduct of diplomatic negotiations those signs of vigour and that determination of purpose, by the display of which, in the first instance, they might, I think, have avoided the predicament in which we are at present placed; and by which alone they may be able yet to preserve peace or to bring war to a satisfactory and early conclusion. I can assure your Lordships that I am not going into a minute and detailed review of the papers which have been laid before you. Let me, however, say that they are full of matter of the deepest interest, and that they appear to me to be for the most part written with great ability. I shall only shortly refer to some passages in them in support of the view which I have from the first taken of these transactions; but, as I have already said, I will not detain your Lordships with any detailed examination of their contents.

My Lords, I have said, on a former occasion, and having examined the blue books before us, I say again, that the great error committed by Her Majesty's Government was the course they took when, having had a full report made to them of the warlike preparations of Russia, and of the menacing attitude which she had assumed, and having received information of the important mission of Prince Menchikoff—and of intentions which were suspected throughout Europe—they were invited by the French Government to consider the whole aspect of affairs in the East, and to come to a common understanding as to what should be the course of the two Powers on the occurrence of the contingencies to be anticipated. My Lords, I entirely concur with the course taken by Her Majesty's Government with regard to the origin of this unhappy affair—I think that we had nothing to do with the question of the Holy Places, as it is called. I think that the instructions contained in Lord John Russell's despatches upon that subject on the 28th of January are excellent. They simply instruct our agents that with that question, we have, and will have, nothing to do. But on the same 28th of January, the communication from the French Govern-

ment, to which I have just referred, was received by Her Majesty's Government; and on the 29th of January (as your Lordships will see by the papers), Lord John Russell answered that Her Majesty's Government agreed in the view taken by the French Government of the gravity of the circumstances which they had brought to their notice, that they thought it desirable that a common understanding between the great Powers should be arrived at, and that "he will immediately take into consideration what steps will be necessary for that purpose." Now having thus, on the part of Her Majesty's Government, stated and promised that steps should be immediately considered, in order that a common understanding might be arrived at, it appears almost incredible that up to this moment no such understanding, so far as we are informed, has been come to with respect to any eventuality that has arisen or which might arise. I think that that has been the great and fundamental mistake; and it seems to me that, as far as we are informed, we are in a similar position now to that in which we have been placed since January, 1853.

Soon after that date came all those events which are connected with Prince Menchikoff's mission. I will not enter upon them in detail;—I have only to remind the House that, immediately on his arrival at Constantinople, he demanded the concession of a secret convention which was inconsistent with the independence of the Sultan and his Government. And I say that then, again, as is shown by these papers, a great mistake was made by our Government, both in the conduct they adopted in the East, and much more in the language they used at home upon that occasion. My Lords, you cannot have failed to observe that Colonel Rose did not demand that the fleet should enter the Dardanelles, that it should come to Constantinople, that it should commit any infraction of any treaty, or assume a menacing attitude; but merely that the Admiral should bring the fleet to the Bay of Vourla, situated near the harbour of Smyrna, a little earlier than he had intended. This Bay of Vourla, I need hardly tell your Lordships, is a frequent station for ships of war, and in anchoring there our fleet could not be supposed to have any intention either of menacing Russia or of supporting Turkey. All that would have been done would be that the fleet would have been there a little nearer to the scene of

operations, had its presence been required by the Sultan. I think that this was a very wise suggestion which Colonel Rose made to Her Majesty's Ministers; but they chose to disregard his advice, and they justified the Admiral for not making any approach towards Constantinople. Now that has been justified by the noble Earl at the head of Her Majesty's Government on two grounds. I understand his reasons to be that, in the first place, we had received such assurances from the Russian Government as we could rely upon implicitly, and that, on that account, we apprehended no danger. My Lords, the second reason given by the noble Earl is, I venture to say, about the most extraordinary and imaginative that ever was uttered by a Prime Minister in a British senate—that, forsooth, if we had assumed anything approaching to an attitude of menace, that, if we had shown a determination to defend the Turkish Government, the Emperor of Russia would at once have seized Constantinople. My Lords, I have never heard such a preposterous notion. How, let me ask, was the Emperor of Russia to perform this great feat? By his ships, when the English and French fleets were there to support the Turks? No; but I understand it was his armies which were to march upon Constantinople. Why, if that statement was really intended by the noble Earl to be serious, I venture to say that the state of ignorance in which Her Majesty's Government are with regard—to use a French phrase—with regard to the "mobilisation" of the Russian army, is truly deplorable. It is notorious that of all the armies in Europe, the Russian is the army which, however well organised it may be in some respects—however powerful it may be in defence—however formidable at times in the field of battle—and, however well disciplined, in some respects, is the worst organised army belonging to any civilised nation for moving, and with regard to the commissariat and other arrangements which the movement of a great army requires. That is a notorious fact. But the other reason given by the noble Earl was the assurances which had been received from Russia. And here I cannot help avowing, that until I read these papers I could not bring myself to believe that if a straightforward question had been put to the Russian Government, on the object of Prince Menchikoff's mission, it would not have been answered—if answered at all—in

a manner which might be implicitly relied on. But I am bound to say that I was in error. It does appear that Sir George Seymour did upon one occasion put a question to the Chancellor of the Russian Empire, as to whether Prince Menchikoff had or had not any ulterior instructions or demands to make beyond that question of the Holy Places which had been before under discussion; and the answer he received was such as would satisfy any man of honour—any gentleman—that the Russian Government did not entertain any such intentions. But, in the first place, if the Government rely upon that despatch alone to which I have alluded, I must observe that that did not reach this country till the 4th of April; whereas it was about ten days previously, on the 23rd of March, that the noble Earl at the head of the Foreign Office had written to Colonel Rose, informing him that they did not think it was necessary to send the fleets eastward. But I do not lay any stress upon what may appear a little inconsistency, because there are in these papers references made to personal interviews and conversations which are very properly not given in detail. And therefore I doubt not that the assurances which were previously received were such as very naturally to justify our Government in thinking that there was no danger from Russian intrigue, and that they were fully warranted in believing the assurances that they received. Assurances, however, will go a certain way, but only a certain way; and against these assurances were circumstances calculated to have led to a different conclusion; and most admirably does Colonel Rose put it in his despatch, when he says that Prince Menchikoff's promises and assurances are very fair, but that the facts contradict him, and upon those facts he justifies the demand he made for bringing up the fleet. Now see what was the consequence, not only of their conduct—for I am ready to admit that on that point a difference of opinion might prevail, and that it might be justified—but of the language used by the British Ministry at that time. Not content with withholding our fleet from our oppressed ally on the demand of our Minister, Her Majesty's Government expressed openly the greatest alarm at and reprehension of the conduct of the French Government in sending their fleet. Not content with that language in London and Paris, they wrote a despatch to St. Petersburg, to be communi-

cated to the Russian Government, which evidently filled that Court and Cabinet with joy and delight. It is notorious to every man who has attended for any time to the march of events, in what is termed the Eastern Question, and to the policy of Russia, that for the last twenty-four years it has been the object of that Cabinet to excite differences between France and England, and more especially to excite differences between those two Powers on questions relating to Turkey. This has been its constant aim; and, of course, great was the joy of Russian Ministers when they perceived that Her Majesty's Government had done for them voluntarily what they had been in vain striving for a long time to do for themselves. I have mentioned this to demonstrate the soundness of the opinion which I have expressed upon the policy of our Government; and I will now trouble your Lordships with a few extracts from the papers in order to show the justice of the view I take of the conduct of our Government. I cannot refrain from reading a despatch, dated St. Petersburg, April 7, addressed by Count Nesselrode to Baron Brunnow, and by him subsequently read to Her Majesty's Minister for Foreign Affairs. It certainly shows in a striking manner the march of the Russian mind in the whole of this transaction. In this despatch Count Nesselrode says—

"The Emperor desires you, M. le Baron, to thank Lord Aberdeen and Lord Clarendon very particularly, in his name for the salutary impulse which they have recently given to the decisions of the British Cabinet. The former as on this occasion shown us a new proof of confidence of which our august master is highly sensible." [No. 138.]

How happy must the noble Earl have been to receive these assurances, who told us the other night that of all the men who had ever shown acrimony, and severity, and bitterness, in opposing the Russian Government, or who had written and spoken with the utmost force against the Russian Emperor and his policy, that he was that man. The noble Earl then reverted to the treaty of Adrianople, and reviewed the circumstances which attended the then success of Russia against Turkey. My Lords, every sane man knows that if we, or any other European Power, had held up our finger at that time to support Turkey, or that if the Sultan had known the condition of the Russian army at that time, that that army must have been totally annihi-

lated—we know, in fact, that that conquest was attained as much by the influence of Russian gold as of Russian arms. But the noble Earl told us that he animadverted severely on the treaty of Adrianople; and yet it appears that the Emperor of Russia has so entirely forgotten the past conduct of the noble Earl as to state that he receives this as a new proof of that confidence which he felt that the noble Earl had always reposed in him. The Count Nesselrode pays a much milder compliment to my noble Friend the Secretary of State for Foreign Affairs; for he only said—

“The latter with whom our relations have hardly yet commenced, thus enters upon them under auspices which justify us in hoping that they will be of the most satisfactory nature.”

Now, to turn to the more serious part of this despatch—not but that these personal matters are important when dealing with such a subject—the Russian Chancellor proceeds:—

“Nothing would be more to be regretted than to see the two great maritime Powers combining together, were it but for a moment, and in appearance rather than in fact, upon the Eastern question as it now stands” [that is, while Prince Menchikoff’s demands were under consideration.] “Although their views in this respect differ in reality *toto celo*, nevertheless, as the European public is by no means competent to draw the distinction, their ostensible identity could not fail to represent them under the aspect of an intimate alliance.”

Exactly what I say, I repeat that this, which Count Nesselrode deprecates is the attitude that you should have assumed, and indeed adopted in reality. Now let me pray your Lordships’ attention to another passage in the despatch:—

“The attitude of England will suffice to neutralise what, on the part of the French or the Turks, if the latter should feel encouraged by the presence of the French fleet, might embarrass, or retard too long, the favourable solution of the question in dispute.”

A favourable solution, indeed! In favour of whom? What was the question in dispute? It was whether the Emperor of Russia should acquire a joint sovereignty over a great part of the Turkish empire. The favourable solution would have been a giving in to these claims. That was the solution which your Minister at Constantinople, although he was not specially instructed on the question, yet, knowing naturally what must be the policy of this country and of this Government, of course resisted to the utmost of his power, when he found that it was pursued by Prince Menchikoff. I

say that this despatch of Count Nesselrode shows you as clearly as possible, if you wanted proof, that it was the separation of France and England at that moment—proclaimed as it was by the language our Ambassador was instructed to address to the Russian Government at St. Petersburg—that gave Prince Menchikoff the courage—I may say the audacity—to proceed in those demands which have led to this unfortunate state of affairs. When the fleets were sent for, Prince Menchikoff immediately abated his pretensions; and the Turkish Minister tells Colonel Rose that they did not know what the Prince Menchikoff wanted.

“We do not know,” said they, “what he is about; one day he endeavours to cajole us by promises of the aid and support that Russia can give us in any event, and another day he endeavours to terrify us with menaces of his Imperial master’s vengeance. But some design he certainly appears to have against the independence and honour of the country.” Prince Menchikoff thus obtained time to have recourse to his own Government for fresh instructions, and to state the impediments that he met with. In the meanwhile the attitude assumed by England and praised by Count Nesselrode had told at St. Petersburg; the instructions issued were in conformity with the impression thus formed; and it was when Prince Menchikoff received those further instructions (as expressly stated in the blue book) that he made these totally inadmissible demands. I am, therefore, justified in saying that those demands would not have been made had it not been for the course which our Government took in withholding the British fleet and in separating from the French Government. Now, see in what a position you put your Minister at the Court of Constantinople. When Lord Stratford de Redcliffe went there he found that his instructions were entirely founded in error. He found himself without any support whatever when these monstrous propositions were made by Prince Menchikoff. Now, having mentioned that noble Lord, I am sure that I shall not be accused of any partiality to him, either from the relationship in which I have the honour to stand towards him or, from the friendship existing between us, if I express my great admiration of the ability which he has displayed throughout these transactions. It is wonderful how he has succeeded as he has done. He had against him, of course, the Russian Mi-



nister and the whole Russian party in the Divan, assisted by Russian gold, as the Russian party and Minister always is. He had to keep up the courage of the Turks on the one hand, while he was unable to promise them any support on the other. Further than that, as matters advanced he had still further to impress upon them the necessity of fortitude and at the same time of patience; for he could not call into activity what is called the Turkish party at Constantinople, because they were for immediate war, and Lord Clarendon's instructions were to repress all hasty and warlike demonstrations at that particular time. I do not think that you can imagine any Ambassador placed in more embarrassing and difficult circumstances, and it is greatly to the honour of Lord Stratford de Redcliffe that he has come out of them with increased reputation for himself, if not with increased credit for the country. At length Prince Menchikoff retired from Constantinople. That, again, was a time when it would well have become the noble Earl to have called his Cabinet together, and to have reminded them of the promises given by Lord John Russell on the 29th of January, and to have arrived at a common understanding with France; at least as to the eventuality immediately impending—I mean the occupation of the Principalities. I will not detain your Lordships by going into details of negotiations, but I must refer to the despatch of Lord Stratford de Redcliffe, dated July 4th [No. 353], in which he gives a most clear and most admirable exposition of the whole state of the case, and in which he calls upon his Government to come to a decision one way or another. I think there never was framed a more admirable state paper than that. It shows you not only the predicament in which, partly by your advice, the Turkish Government has been placed, but the risks which you must incur, and of the mischiefs which in one way or the other are sure to ensue from the state into which affairs have fallen; he says that it is not for him, but for the Government, to judge what line is to be adopted; and he recommends that a firm decision should be come to with the least possible delay. He warns the noble Earl (the Earl of Clarendon) that evils that are only evaded for a time are most likely to recur again with exaggerated power and force; and he tells you that that is not the way to surmount a grave difficulty, but that it is your duty to view it in all its proportions, to measure it

well, that you may be able to combat it, and then to make finally and as early as possible your decision as to the course you will adopt. Referring to the consequences of leaving the Turkish Government to its fate or interfering to assist it, he says—

“ If the ultimate exclusion of Russia, as well from the Greek Protectorate as from the Principalities, be really the important object, which has been hitherto presumed, success, I humbly conceive, will never be attained, according to any reasonable calculation, without a previous understanding on the part of England and France to stop at no sacrifice necessary to secure it.”

Now, my Lords, I am happy to say that at last we have acted in conformity with that opinion so far as it relates to some understanding with France; but up to this moment no understanding has been arrived at respecting the sacrifices we are prepared to make, and for what object they are to be made. I shall not take up your Lordships' time with the proceedings at the Conference at Vienna, or the Vienna note, and the events which have subsequently taken place. It is said to have been a great thing to have secured the alliance of Austria and the German Powers, and no person is more aware of the importance of that alliance being secured than I am; but I do not see, and those papers do not tell us, how far we are in alliance with that Power, or whether that Power approves of the course we have taken in the Black Sea, or how far the position in which we stand is in entire accordance with the views of the Austrian Government. But this I say, you will perceive from these papers, that while you were hesitating and vacillating, and holding aloof from France, and depending entirely upon Russia, that Austria did not come to your assistance—it was not then that you got any assurance from the German Powers; but when you told them boldly and distinctly that stronger steps would be taken by France and England, that was the time that Austria seemed to become alive to her true interest—for her interest it is; and it was by your determined attitude, and not by your vacillation, that you obtained whatever influence you possess in the Austrian Court.

There then took place a melancholy event, to which I will not advert; but I must turn to the instructions that were given to our Minister at the Court of St. Petersburg respecting the last communication which he was required to make. My Lords, I must say that the communication

that was made by Sir George Seymour to Count Nesselrode, of the entry of the fleet into the Black Sea, was read by me with sincere pain. It appears that in the first place he informs the Russian Minister that it was with no hostile intention to Russia that our fleet was going into the Black Sea, and he then says, moreover, that the Turkish fleet is not to be allowed to commit any aggression against Russian territory. To which Count Nesselrode not unnaturally replies, "Are you quite sure that this intention is expressed in your instructions?" And it was no wonder that he should be doubtful and astonished. Sir George Seymour then proceeded to deliver a short but significant homily on the value of truth—one that I think was very well applied in the quarter to which it was addressed, but at the same time was administered at a most unhappy moment—for according to the narrative contained in those papers it was not a correct description of our intentions that Sir George was instructed to give. It was not a correct intimation of our acts to say that we entered into the Black Sea with no hostile intentions. I say, my Lords, that we did enter the Black Sea with a hostile intent, and immediately committed acts of hostility. The Russian ships were ordered to return to their ports, and if they did not return to their ports force would have been used against them, that is, that they would be taken or sunk. What right had we to do that, if we were not prepared to commit acts of hostility? The Russian fleet was superior to the Turkish, Russia and Turkey had declared war against each other, and of course it was an act of hostility to prevent Russia from having the advantage of her superiority in the Black Sea. But more than that, you know the Russians have forces, possessions, and territories along a great portion of the shores of the Black Sea; and to prevent their ships from reinforcing their forces there, and strengthening their forts, and having recourse there for the protection of their territories, was an act of hostility, and no man can deny it. What was the very first step that was taken by the fleet when it entered the Black Sea? The very first step was to convoy a Turkish fleet with munitions of war towards the seat of war in Asia. I do not merely ask an assembly of gentlemen or of statesmen, but I would put it to the most sophistical or casuistical tribunal that ever got together, and I defy the noble Earl at the head of

*The Marquess of Clanricarde*

Her Majesty's Government to show me any jurist, casuist, or sophist, who would not say, that so to aid one of the belligerents and so to take part in the warfare, is undoubtedly an indication of having hostile intentions towards the other party. The thing is undeniable. We said we would not allow the Turkish Government to commit any act of aggression on Russian territory, yet still our ships are conveying munitions of war, which will be used to attack Russian territory. Did we say that in a sense such as British statesmen would wish the truth of their language to be held? Are we to say that is a fair and correct statement, when we convoyed troops and munitions of war to make war upon Russian territory within a few miles of the place where we landed them. My Lords, I do not know why we should say this at all. I do not know why we were at that moment to tell Russia we had no hostile intentions towards her. We ought not to have been ashamed to say we would support the integrity and independence of the Turkish Empire, and that that integrity and independence had been violated. It was declared by the noble Lord the Secretary of State for Foreign Affairs in his place in Parliament that the restoration of the Principalities was to be a *sine quâ non* of any settlement, and yet the military occupation of the Danubian Provinces had become a complete incorporation of those provinces into part of the Russian Empire. We were told that explanations were to be demanded on the subject. Explanations demanded! When we are told that in Parliament we are accustomed to think that something will result from that proceeding; but in this instance nothing resulted from it.

I am sorry to be brought back to a period I have passed over, or to trouble your Lordships with any more reference to it, but I cannot refrain from it. I must refer your Lordships to Sir George Seymour's despatch of the 12th of August, where he gives an account of the explanations he demanded, and where you will see the answer he received. Why, he was treated as you would treat a whining school-boy. It was disgraceful to be so treated, and to submit to that treatment. When he asks when the Russian troops are to leave the Principalities, it is said, "Oh, don't mention it; all these things will come of course; I have no explanation to give, and you had better not speak to me on the subject:" and the fact is, that the

real answer of Count Nesselrode is a threat that if you ask any explanation, the possession of the Principalities will be continued indefinitely. You have undergone the indignity of receiving false representations and promises from the Russian Minister, and you made a very feeble remonstrance; you now ask for the explanation of the violation of a treaty to which you are a party, and you are told you had better not mention it. My noble Friend the Secretary of State for Foreign Affairs very ably in his despatch referred to the affair at Sinope, when he instructed Sir George Seymour to notify the entrance of the ships into the Black Sea. There is a paragraph in the despatch to this effect—that the Russian Admiral knew perfectly well the instructions that had been given to our Admiral—that he knew very well the communication that had been made by the British Government to the Russian Government respecting our intended protection of the Turkish territory; and, therefore, my noble Friend very wisely and properly observed, that when the Russian Admiral went into the Bay of Sinope and destroyed those ships, he did not alone attack the Turkish territory and the Turkish flag, but, at the same time, committed an insult and aggression against the British and French flags. These things having occurred, what necessity was there to tell Count Nesselrode that we went into the Black Sea with no hostile intention? It was not accurate in point of fact, and was unbecoming under the circumstances in which we were placed. We are not to wonder, when such language was held, that the entrance of the ships into the Black Sea had no effect. You are defied in the Black Sea, and treated with contumely in your negotiations. You submit to all this, and you boast you are at peace.

My Lords, this is our present position, and it is one which I much regret; moreover, I am free to say that the relative position of Parliament and the Ministers is an unprecedented one. I venture to say that the noble Earl at the head of the Government can show me no case at all analogous to it—any case in which events such as those that have lately occurred have taken place, and in which the Ministers of the Crown have failed to come to Parliament with a clear exposition of the case, and to demand, if not the advice of Parliament, at least the assent of Parliament, to the course they intend to pursue. Let me not be referred to the Speech we have heard from

the Throne on the opening day of the Session. Things are now very different from what they were when Her Majesty delivered Her most gracious Speech. In that Speech we were informed by Her Majesty that She regretted that the differences between Russia and Turkey had not been settled, and that a state of warfare had ensued; but it was then stated in that Speech that Her Majesty's endeavours, in concert with Her Allies, to put an end to that state of things were unremitting, and we were informed that they would be continued. It was added, that in order to give weight to Her Majesty's representations an augmentation of the Army and Navy would be proposed. But that is not the case now; the negotiations then referred to are at an end. The noble Earl at the head of the Government himself told us on Friday that we have no negotiation going on now for the restoration of peace, and we have broken up our diplomatic relations with Russia—a great fact in itself, seldom to be passed over without a communication from the Crown to Parliament—we have our fleet in the Black Sea, and they have been ordered to sweep the Russian ships from that sea into their ports; it is rumoured in the papers, and I believe truly, that we are preparing a great fleet, and certainly if it be as described, it is the greatest fleet that has ever been formed, to sail to the Baltic. We have at this moment under orders for foreign service—well understood to mean for active warfare—a considerable body, I hope it will be a very considerable body, of Her Majesty's troops. My Lords, at no previous period have such preparations been made for war, at no time has such an important event as the cessation of our relations with so great a Power as Russia taken place, without the Minister of the Crown making a communication to Parliament; and I regret that we are not now discussing this matter on a Motion originated by the Minister, instead of an unimportant question moved by so humble an individual as myself. We may be told that this matter will be brought before the other House of Parliament, when the Navy and Army Estimates come on; but that is not the proper way to take the sense of Parliament upon so grave and important a question; and in regard to this House, if it is to continue part of the Parliament of the country, it is not proper to leave the discussion upon this question to depend on a debate brought on in supply in the House of Commons.

But, more than that, my Lords, we have contracted new engagements—I know not of what character—but we have contracted new engagements undoubtedly, respecting which I think we ought to have some information. I know not if those engagements be such as ought immediately to be embodied in an official document—I know not whether there have been conventions or protocols—but we have embarked in a great undertaking, in concert with other Powers, and those undertakings ought not to have been embarked in without a definite object, and some explanation of that object in Parliament. I want to know what your objects are, and to have an explanation of them from Her Majesty's Government. On the first night we were told that we ought to wait until the blue book was put upon the table; upon taking it up I see it is a book on the Rights and Privileges of the Greek and Latin Churches. I hope it is not for the privileges of the Greek and Latin Churches we are going to war. I, for one, will not consent to enter into a conflict for such an object. The object for which this country contracts an alliance for war ought to be worthy of its greatness. I say that when we risk our fleets and send forth our armies, we ought to know for what, and receive a proper explanation of it. We may indeed gather from the blue books, and I hope you will be able to show to-night that the object of the war on the part of this country is to defend the Turkish territory against aggression. But do you think you can defend the Turkish territory, and limit your operations to that, by making a partial, limited, qualified, movement in the Black Sea, and by sending 10,000 men to encamp in the neighbourhood of Constantinople? Either you are engaging in a war with Russia to prevent Russian aggrandisement, or you are not embarking in an object that is worthy of your efforts. No statesman, no writer upon international law, will deny that when a large Power commits an act of aggression, and wages war for the sake of aggrandisement on a weaker Power, that a third Power, though not directly affected by the conflict, yet, if it be indirectly interested in it, by reason of the changes which might take place if the larger Power should succeed in its object of aggrandisement, and thus disturb the balance of power that previously existed, or by other circumstances affecting its welfare, is fairly entitled to interfere in that war. This is one great principle that can justify our inter-

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ference in this case with the war between Turkey and Russia. There is another principle upon which this country might engage in a war with Russia—I mean the principle of self-defence. The question, then, is, according to that principle—will you or will you not allow Russia to wage war against Turkey for her own aggrandisement to the endangering of the peace of Europe and the security of your own commerce and your own power? I trust on either of those principles we are prepared to resist Russia in concurrence with our ally—France. And here I cannot but speak in the highest commendation of the loyalty, good faith, and honour of the Emperor of the French. The French Government has behaved towards England throughout the whole of these negotiations in a manner which has, I am sure, won not only the respect, but even the gratitude, as well as the good feeling, of every man in this kingdom. My Lords, with respect to the Turkish Government, it must be admitted that its conduct during the present war has been wonderful. Considering the circumstances under which that country was placed when it was first attacked by Russia, it has shown its ability and capability in a wonderful manner, and it will, I am certain, meet with the fullest respect and attention from the Government of England and the country at large. But at the same time, I, for one, am not willing to enter into a war, led on by Turkey, without knowing to what limit I am to go, for what object I am embarking in that war, and where it is I am to stop. Nor, looking at all the chances of human affairs, am I to side with France—notwithstanding all the reciprocated good feeling which I know this country entertains towards France and its Government—and embark with her in a great war, without knowing how far we are to go and what is to be the contingent efforts of each country. These are matters upon which we ought to have some information from our Ministers; up to this moment we have not the slightest explanation. Whether from the Speech from the Throne, or from any communication whatever that has been made on the part of Ministers, we have on all these subjects not been able to derive any information. These are very grave and serious matters for consideration. It is my opinion that this war has been brought on by infirmity of purpose and vacillating conduct. The events that await us, if unfortunate, will be wholly attributable to



that infirmity of purpose and internal want of vigour which have pervaded our councils, and which will be the real source of all the evils that England may experience. It was an often-quoted saying of a great man, that England could not afford to engage in a little war. Unfortunately, I think, England has engaged, of late years, in several little wars. But of this I am sure—and I will again borrow the words of the illustrious man to whom I have alluded, because I consider them to be peculiarly applicable at the present moment—I say that England cannot engage in a little war with Russia;—for if you intend to bring that war to a permanently successful issue, you must make efforts that are worthy of England. My Lords, it is a great struggle in which you are about to engage, and, unless you are prepared to give way on every point, and to submit to indignity and humiliation, and incur the discredit of defeat, the Government must look the conflict boldly in the face, and act as other Governments have acted, by means of their great military and naval power. My Lords, I have talked undoubtedly as if we were already, as I consider we are, at war; our fleet is at this moment engaged in hostilities in the Black Sea. We are engaged at this moment in considering what has been the conduct of the Ministry in respect to this great and important question. I cannot say anything in compliment of the mode in which those hostilities have been carried on. Were the instructions which were conveyed to our Admiral written in the same tone as those under which Sir G. Seymour acted when he communicated the intelligence of the entry of the fleet into the Black Sea? Whether they were or not, it cannot be denied that what has happened has been most unfortunate. It seems that the combined fleet has returned to the Bosphorus. It is also a matter of public notoriety—for these are matters which all letters from those parts speak of without the slightest reserve—that the re-entry of the fleet into the Bosphorus was not by the advice or at the desire of our Ambassador. We understand there were professional reasons for it, with which it is not for me to find fault; but this I cannot help saying—what every professional and non-professional man will say—that the result is most unfortunate. We are told that during the dark nights the storms and dangers of the coasts render it unsafe for our ships to stay at sea. But what is the conclusion

drawn from the cause assigned for this step by the Admirals? The conclusion is this, that our ships cannot keep the sea, while the Russian fleet can go forth and perform active operations. You declared your indignation when your flag was insulted by the massacre at Sinope, and since then you have declared more emphatically that the Turkish territory was under your protection; but, notwithstanding that declaration, it appears that the Russian ships have attacked and bombarded a fort on the Asiatic side of the Black Sea, at a time when unfortunately the British Admiral thought it unsafe for his fleet to continue at sea. This is most calamitous—it lowers the character of the country. It does not, I trust, lower the character of the naval service; but I will tell the noble Lords on the Treasury benches what it does affect; it affects the honour of the country and of the Government, for it is a current belief at Constantinople that the Admiral commanding the fleet had a private communication, desiring him to avoid any collision with the Russian fleet under any circumstances whatever. I don't believe a word of this, for I don't think any Minister would be capable of sending such instructions; but those things pass through the minds of people like the Asiatics with inconceivable force—a force which in this country it is difficult to comprehend. The very speech of the noble Earl at the head of the Government, the other night, when he spoke respecting the hope of peace with Russia, if circulated through Asia, would be better than 10,000 or 20,000 men to the Russian Government. What can they say but that we are afraid to go to war with Russia, and that if we sneak into a war we are afraid at the last moment to say it. If we are at peace, I want to know what is the peace, or if at war, what is the peace that is the object of the war? I hope we shall have a satisfactory peace. I want to know what is the peace which the noble Earl keeps in view. Not, I trust, the sort of peace that we could have had if we sent our fleet when Colonel Rose sent for it, or if we had acted with France when the French fleet sailed for Salamis. That is not the peace we now wish to attain. If that be the peace which the noble Earl thinks to maintain—if he conceives that he can now maintain those treaties which have kept Europe in constant dread, and that no indemnity is to be paid by Russia for the aggression that has been committed, and that we are to treat her now as we would

have done ten or twelve months ago—I tell him that Europe will not stand it, and that we will not stand it. I know the Parliament of this country will not submit to such degradation. The question is not with regard to notes or conventions, or whether a word shall be this way or the other, or whether certain privileges are to be granted *ab antiquo*, or some new sort of guarantee is to be given by Turkey to Russia—that is not the matter now at all for consideration. What the country and what Europe requires is, not a pitiful and contemptible adjournment of war, but a settlement that will give ample security for the future peace of Europe. That is the purpose for which we have armed. Let not the Government be afraid—let not Her Majesty's Ministers be afraid to say, that is their object, and that they are prepared to make vigorous efforts throughout the world to maintain it. I know that Parliament and the country will support them throughout such a cause, and as to the issue of the contest, I cannot for one moment entertain a doubt. The noble Marquess concluded by moving—

“That an humble Address be presented to Her Majesty, humbly praying that Her Majesty will be graciously pleased to direct that further information respecting the cessation of diplomatic relations with the Court of St. Petersburg, and the war which appears imminent, be laid before this House.”

THE EARL OF CLARENDON: My Lords, although I certainly do not anticipate all the benefit from this discussion that my noble Friend promised to us last week, when he gave notice of his Motion, yet I, for one, do not regret that he has called the attention of your Lordships to the question in a more deliberate manner than has been possible since the meeting of Parliament; for, involving as this question undoubtedly does the most momentous consequences—affecting, it may be, British interests in every quarter of the world—I think your Lordships and the country are entitled not only to the fullest information upon the subject, but to have that subject sifted and analysed in a manner that will show whether the Government have done their duty, and thereby entitled themselves to the confidence of Parliament and the country.

My Lords, I think no one who has listened to my noble Friend's speech can deny either the industry or ingenuity with which he has analysed the information which has been furnished to your Lord-

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ships. I think nobody will deny that there has not entered into his analysis one grain of partiality—I might almost say one grain of fairness—towards Her Majesty's Government. He has had the advantage by means of that information—of which he has largely availed himself—of testing the latest negotiations; but he has not given to us the benefit of placing himself in our position at any of the intermediate times, nor has he stated what would have been the position to which he himself would have come in any of the intermediate stages of these negotiations; but he has decided upon the question according to his judgment, arrived at after all the negotiations have been closed. And what is the result of my noble Friend's opinion after all? My noble Friend considers that if things had been done differently, a different result might have occurred. His charge against the Government is a matter of his own opinion merely, and although I certainly shall not hope to satisfy my noble Friend that we have done our duty, or that we have been guided by a true sense of what was due to the dignity of this country, or even that we did know how to carry out our own policy, yet I venture to hope and trust that such is not the verdict of the people of this country—that they do not think that we have tarnished the honour of England by labouring to maintain and preserve the peace of Europe. I certainly am the last person individually to regret anything that has fallen from my noble Friend, for certainly I will say with all sincerity that nobody has more regretted than myself that the conduct of the negotiations should not have fallen into abler hands than mine. They were difficult in themselves, but were rendered far more difficult by attendant circumstances. The great distance between the seats of negotiation, the time unavoidably lost in intercommunication, and the rapidity of events, which have often completely frustrated the best founded hopes of success—all those things have rendered these negotiations peculiarly difficult. I can truly say that I have deeply regretted that they should not have been confided to more able hands; but upon public grounds I must regret the tone in which my noble Friend has brought this question before your Lordships. I think his object has been throughout to disparage the Government, and to create disunion at a time when certainly we may at any moment require all the strength which union can give to our coun-

sels. On the first night of the Session the noble Earl opposite (the Earl of Derby) said, that when he possessed the papers, he should be able to form a judgment of the manner in which the negotiations had been conducted by Her Majesty's Government, and that, if war there was to be in a just and righteous cause, we should lay aside all considerations of party, and endeavour to support the Government to enforce the war with effect, because war should not be undertaken at all, except it were maintained by the universal feeling and united force of the country. And I must say, my Lords, that I think that course would have been the best course under the circumstances in which we are now placed, and one which I believe would have been more in harmony with the feelings of the people of this country than the course which my noble Friend has pursued on this occasion.

I think your Lordships will not deem it necessary for me to follow my noble Friend through all that he has said, and all that he has quoted, and not quite correctly quoted, from the blue book. My noble Friend seems to think that Prince Menchikoff did sufficient in the earlier parts of his mission to Constantinople to have created alarm on our part, and to have justified stronger measures than were then taken by Her Majesty's Government. My Lords, we were told that as soon as the information could reach us from Constantinople, of what the proceedings of Prince Menchikoff were, we should have demanded explanations. Your Lordships will find by the blue book, that that was the course we took. We asked in very distinct terms what were the real objects of his mission; and we received an assurance in the most distinct terms that Prince Menchikoff's mission related solely to the Holy Places. My noble Friend is perfectly right in saying that there occurred communications in conversations which could not be properly placed in the blue books. I can assure my noble Friend that he is perfectly right in his assumption; and that these communications were far stronger, although they were confidential, than anything that will be found in the printed papers; and they all concurred in giving us the strongest assurances that Prince Menchikoff's mission had reference solely to the question of the Holy Places; and it was on that ground we felt it was impossible to doubt the representations of the Russian Government. My Lords, I should as soon have thought

of doubting what any noble Lord in this House stated on his honour, as I would have thought of doubting or of taking any measures in distrust of the assurances which Russia so distinctly and so repeatedly expressed to us. I say, my Lords, that with the assurances which we received, it was impossible not to believe in the sincerity of Russia. I said also, the other night, that these assurances were for some time borne out; for, although Prince Menchikoff did in the first instance propose a treaty that would have involved the nomination to the patriarchate and various other things, all of which were matters which no doubt would have been highly pleasing to the orthodox party in Russia, of which he was at the head, yet we found afterwards to some extent the truth of what we were told at St. Petersburg, namely, that the Prince had great latitude in his instructions—that they referred only to the Holy Places—and that, in fact, he was able to settle that question in whatever way appeared to him fit. I say again, therefore, that it was impossible not to believe these assurances.

But, my Lords, my noble Friend has greatly complained of our not having approved of Colonel Rose's conduct in calling up the British fleet, and has complained of a disagreement which he says had arisen between us and the French Government; and said that that measure, on our part, had produced great apprehension on the part of the Turkish Government. And my noble Friend also said, that the Government ought to be ashamed of the approbation which, he says, we received from Russia on that occasion. Now I beg your Lordships just to remember what were the circumstances. Colonel Rose, on Prince Menchikoff's arrival, and when there was great excitement at Constantinople, and when the Turkish Minister resigned, not at his command, but simply because he declined to transact business with him, requested that the fleet should be moved up from Malta. Upon the French Government learning that, and without any previous consultation with us, but simply believing that the presence of their fleet would be necessary, they ordered their fleet to proceed from Marseilles towards the Greek waters, with the view that if joint action should be necessary, they might, being in the Greek waters, be more on a level—more on a par—with the English fleet which was at Malta; but there never was the slightest disagreement between Her Majesty's Go-

vernment and that of the Emperor of the French in this respect, as your Lordships will find from the despatches; and as to the mischief which it is said this occasioned to the cause, if your Lordships will turn to the despatches which my noble Friend only quoted a portion of, you will there find that the Grand Vizier told Lord Stratford de Redcliffe, and the latter agreed with him, that the cause of the Sultan was much better served by the determination to keep the fleet at Malta, than by its being brought to Constantinople. And, my Lords, when this simple fact was communicated to the Russian Government, they said that the presence of the fleets at Constantinople would cause the greatest embarrassment, and would be likely to prevent the settlement of the question, which was not a question of aggression, not a question of the Principalities, and not one of the questions which my noble Friend said occupied the attention of Europe, but a question which was solely confined to the subject of the Holy Places, with which we had nothing to do; and I think that the Russian Government would have been borne out in what they said. They said, "Here we give you assurances that we only have a view to the Holy Places—we tell you all that we want to do, and all that we have to dispute; and if the French and English fleets come up to Constantinople, and assume an attitude of hostility on that question, we greatly think it will interfere with a peaceful solution of the difference." And I must say that upon this occasion we received no praise from Russia, because there had been no interference on our part, with the French Government;—we simply stated that our fleet was at Malta—that we did not think it was immediately wanted at Constantinople—that we were glad that the French fleet had gone where it would be on a level with ours; but that we did not think (and the French Government agreed with us) that at that moment it was necessary to send up our fleet. And I think—considering that the only question then in view was one in which no British interest was concerned—that the presence of the combined fleets would certainly have altered the character of the proceedings. My noble Friend (the Marquess of Clanricarde) has said that Her Majesty's Ambassador at Constantinople—with respect to whom I beg to say that I entirely concur in all that fell from my noble Friend as to the great talent, ability, and zeal which have been

displayed by that noble Lord—my noble Friend says that he went away under erroneous instructions—that nothing which afterwards happened was contemplated in them—and that the Sultan had no support from our Minister at Constantinople, because he had nothing to offer or promise to Turkey. Now the instructions which were given to our Ambassador, as will be found in the blue book, were, that if events which we did not foresee should occur, and emergencies which we should lament should arise, Lord Stratford was to give notice to the British Admiral, and to call up the fleet from Malta; and in the first despatch which our Ambassador writes, giving an account of his first audience with the Sultan, he states that he informed the Sultan, that so far from having nothing to offer, if he is in any difficulty or danger, the support of Her Majesty's Government will be given, and that he has the power to call up the fleet.

I come now to the more important part of the speech of my noble Friend, and which will be considered by your Lordships and the country as of far more interest, perhaps, than the contents of the blue books—I mean the question of whether we are at peace or whether we are at war. My Lords, that is a most important question; but your Lordships must be aware that a distinct answer cannot be given to it at the present moment. We are not at war, because war is not declared—we are not strictly at peace with Russia. [*A laugh.*] My noble Friend may laugh; but he must know perfectly well that I am correct in saying that we are not at war with Russia, although diplomatic relations with that country are suspended. And you must remember, my Lords, that these relations have not been interrupted in consequence of our act, but that the initiative of the interruption of diplomatic relations was taken by Russia, and that those relations are declared by Russia to be simply suspended. Therefore I consider that we are in the intermediate state; that our desire for peace is just as sincere as ever; but then I must say that our hopes of maintaining it are gradually dwindling away, and that we are drifting towards war. But as my noble Friend (the Earl of Aberdeen) said the other night, so long as war is not declared, the maintenance of peace is not utterly to be despaired of. It has been stated in this House, that certain propositions have been made by Russia by way of reply to those contained in the collective



Note of the Ambassadors at Vienna; but it seems to me as easy to make two parallel lines meet as those two sets of propositions. I, therefore, my Lords, consider that the negotiations are now at an end. But it does not follow that a state of war is instantly to ensue. I am sure your Lordships will not expect me, in the exercise of my discretion or responsibility, to state to your Lordships the exact steps which Her Majesty's Government think it necessary to take in the present aspect of affairs;—because your Lordships must remember that we are not acting alone; we are acting in conjunction with our allies; and I think it will be sufficient at the present moment to say, in answer to the doubts thrown upon our proceedings by my noble Friend, that every preparation is being made, and with all the vigour and all the rapidity which the existing state of things demands. More than that, my Lords, I do not think your Lordships will expect me to say; I will, however, add one other explanation to my noble Friend, who seems to imagine that we have no understanding with France, either as to the objects of our conjoint action, or as to the manner in which they are to be carried out. My noble Friend in this is entirely mistaken; but your Lordships will not expect that I should lay upon the table any agreement between the two Powers either as to our military or our naval operations.

My Lords, throughout my noble Friend's speech he treated our position as one that was anomalous—anomalous with reference to Russia, and anomalous with reference to Turkey. But he must remember that the whole question, from beginning to end—from the earliest period of the negotiations down to the present day—has presented one continued series of anomalies, to be dealt with one after another. My Lords, what could be more anomalous than that Russia should have perpetually proclaimed that the maintenance of the Ottoman Empire was an European necessity, and that the independence of the Sultan must be upheld—and yet that she should, without the shadow of a pretext, have demanded a power and a right to interfere in that country which would have virtually transferred the allegiance of 8,000,000 or 10,000,000 of the Sultan's subjects to the Emperor of Russia, and which was truly declared by the Turkish Minister as a system that would have killed the Ottoman Empire by slow poison; and if the other great Powers of Europe are equally bound

by the same engagements with Russia, not to allow the open and direct invasion of the integrity of the Ottoman Empire, they are not less bound to resist the same result being aimed at by a more slow, subtle, and indirect policy; and they unanimously recommended the Sultan to refuse to concede the final demands made by Russia. I know there are persons in Parliament, and out of it, who consider that it would be far better not to interfere at all between Russia and Turkey; and that it would be preferable to allow things quietly to take their own course. [Earl GREY: Hear!] My noble Friend cheers that remark; but I think he does not very distinctly nor very correctly weigh what would be the result of such a policy. We might certainly have avoided the state of things which now excites and agitates men's minds; but to do so would be to purchase a temporary repose at too perilous a risk. A protectorate over 8,000,000 or 10,000,000 of the Sultan's subjects would have placed the Throne and Empire of the Sultan completely at the mercy of Russia at any moment. Do what you might to prevent it, Russia might thus become the mistress of Constantinople; and then, applying all her energies and all her resources to increase her naval strength—nothing could have prevented her—she would become a great Mediterranean Power, being also a great Baltic Power; and, my Lords, in that case nothing would prevent the Emperor of Russia from giving the law to Europe, except a constant and ruinous drain upon the resources of other nations who wished to maintain an amount of naval force to counterbalance the power of Russia. The question of the defence is, then, not a mere geographical question; it is not a mere question of right and humanity; it is a question, under these circumstances, which involves the independence of Europe. And not France and England alone have so regarded it, but Austria and Prussia likewise. No one can doubt that, in the month of May last, Austria and Prussia could have had no wish to quarrel or be at difference with Russia unnecessarily; and yet, my Lords, the representatives of those two Powers at Constantinople, being consulted by the Porte, and receiving instructions from their own Governments, cordially united with the Ambassadors of England and France in recommending the Porte to resist the demands of Prince Menchikoff, clearly foreseeing the perilous results that must ensue from compliance with them.

And, my Lords, if that was the case, simply with reference to the demand contained in the note which Russia proposed, that the Porte should accept, how much more bound are these Powers to support their own principles when they see the violation of those principles attended by so dangerous a measure as the occupation of the Danubian Principalities? The occupation of these Principalities, my Lords, gave to the question a greater importance and interest, and imposed on the four Powers the necessity and the duty of resisting the policy of that fifth Power which had always proclaimed the same principles, and was bound by the same engagements—principles and engagements which up to this time it had solemnly declared its intention of maintaining. My Lords, the occupation of the Principalities constituting a *casus belli*, and yet there being no declaration of war, and then again the declaration of Russia that nothing new was demanded, and yet its absolute refusal to accept the *status quo*, form two other instances in that series of anomalies for which Russia, and certainly not this country, is responsible. My noble Friend, in speaking of the occupation of the Principalities—an act which he designates, I must say, in not too strong terms—appears to think that we ought to have held firmer language to the Emperor of Russia on this subject. Now, I believe that a reference to the blue book will relieve us from this charge, even in the minds of those who are not slow in finding fault with the Government, because it will show that from the moment that we discovered that the objects contemplated by Russia were other than those which we were led to expect, and that other demands than those which had been all along stated to us were made upon the Turkish Government, there has been no backwardness in our remonstrances, no wavering or indistinctness in the expression of our opinions, no failure in our attempts to convince the Emperor of the injustice of his demands, and of the enormous danger with which he threatened the peace of Europe by deviating from that peaceful policy which had characterised his whole reign, and by acting in violation of those principles regarding the maintenance of the Ottoman empire which he had so often proclaimed. My Lords, that, I think, was the proper course for us to pursue, and the language which was becoming in us to use. But my noble Friend seems to think that we should have gone at first still further, and have me-

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naced Russia, and stated what we should be prepared to do. My Lords, I have previously stated the reason why Her Majesty's Government, though fully admitting that the *casus belli* was clear and complete, yet did not recommend the Sultan to stand upon his strict right and declare war. In that advice we were forestalled by our Ambassador at Constantinople, who certainly was no bad judge of what was the interest of Turkey, and whose advice, moreover, had already been adopted by the Sultan before our advice reached Constantinople. I say, my Lords, that we could not recommend the Sultan to act on his right, and declare war, so long as there was a hope of the peaceful settlement of the question, and while the Sultan was in a state in which he was incapable of resistance. My noble Friend, I think, will not say that at the time we desired and recommended the Sultan to remain at peace he should have advised England and France to declare war. But supposing that we had induced the Sultan to do that, he believing it to be contrary to his interest, and that in July last we had done that which my noble Friend says he regrets was not done—and I am sure my noble Friend would not have recommended us to do this if he had himself been a responsible Minister—but supposing that in July last Her Majesty's Government had come down to Parliament with a menace to Russia, and she had defied us, and we had declared war with her, sure I am that my noble Friend would have been the very first—and I think your Lordships would have agreed with him in doing so—in accusing us of having acted with haste and precipitation, and of having plunged the country into war unnecessarily and would have said there was no wonder that we had given Austria and Prussia into a close alliance with Russia—since we had treated with contempt their wishes, and made no real effort to preserve peace, and that there was no wonder that they would not support us, because we had asked and received distinct and categorical assurances that they entertained the same views as ourselves, but we had not relied upon them or waited for their co-operation. My noble Friend has said there were no debates on this question in the last Session of Parliament, but I find that certainly there was no lack of discussions, generally promoted by himself; and I will refer to one last year, in which my noble Friend took the initiative, and in which he said that any promise given by the Emperor of Russia,

and any engagements into which he entered, he was satisfied that he would faithfully and punctually fulfil; and at that time I expressed my concurrence in my noble Friend's confidence in the honour and integrity of the Emperor; and the manner in which this statement was received on both sides of this House showed that your Lordships did not think the confidence of Her Majesty's Government in the Emperor's declarations would be misplaced. That discussion took place on the 29th of April; and that day month it was my duty to recapitulate these assurances of confidence in a despatch now in your Lordships' hands, and your Lordships are the judges whether or not these assurances were not of an explicit kind, such as those on which my noble Friend said he could always rely; and whether, at the time they were made, we had not reason to rely that Russia had no idea of aggrandisement or of encroachment, and whether we should have been justified, under these circumstances, in plunging this country into a war.

But the next point to which my noble Friend alluded was our communications with Russia. I will shortly refer to what these communications were. When the Turkish Government found that further negotiations were hopeless, and thought it advisable to commence hostilities, the allied fleets were ordered up to the Bosphorus; and in October last a communication was made to the Russian Government, stating that the fleets were not there for the purpose of attacking Russia, but that we were determined to defend the Turkish territory. My Lords, no aggression did take place on the Turkish territory; and in the meantime we received assurances (and they were distinctly given to the Austrian Government as well) that Russia would still retain a defensive position, and would not in any way act on the offensive. Under such circumstances, and after this assurance, we had no reason, my Lords, to expect any aggression on the part of Russia on the Turkish territory, and for upwards of a month there was no aggression committed on the Turkish territory, then the horrible affair at Sinope occurred, when the Turkish fleet, peacefully anchored in a Turkish harbour, was completely destroyed, and where, if the combined fleets had been present, they would have repelled the aggression and chastised the aggressor. After that occurrence, my Lords, Her Majesty's Government felt,

in conjunction with that of the Emperor of the French, that the time was come, not only to prevent the recurrence of a similar disaster, but at once to protect the Ottoman flag and Ottoman territory; and no time was lost in making such a communication both to the Russian Government and the Russian Admiral. But we did not think—whatever may be my noble Friend's opinion—in the situation in which matters then stood, that to permit an aggression on the part of Turkey:—we having undertaken to defend the Turkish territory, at the same time did not think that to permit an act of aggression on the part of the Sultan would have been proper and lawful. We did not injure Turkey in doing that, because she is too weak to attempt any aggression upon the Russians, and she could only have done so under the protection of the French and British flags. We thought that for us to permit that, and to become accessories, and more than accessories, in acts of overt hostility towards Russia, would have been to become aggressors ourselves, and, more than that, justly to expose ourselves to the accusation of having committed acts of hostility without having the manliness or the courage to declare war. We considered that that would have been a dastardly course, and wholly unworthy of England. We did not declare war at the time these instructions were sent, because, in the beginning of December, we did not see that war was necessary. We had reason to expect that our objects in protecting the Turkish territory and flag might be carried out without war; but to commit acts of hostility under the mask of peace we thought—and I am sure your Lordships will agree with us—would have been unjust and unbecoming the dignity and character of this country. Our communication to St. Petersburg was not regarded in the friendly light which my noble Friend seems to think it was. On the contrary, the Russian Government, so far from being satisfied, required its Ambassadors at Paris and London to obtain written explanations of the course which the French and English Governments meant to pursue—if they meant that a system of reciprocity and armistice was to be established in the Black Sea, and if we intended to remain neutral. The English and French fleets, my Lords, certainly did not go into the Black Sea with any intention of remaining neutral. The British and French fleets were there for the protection of the Turkish territory

and flag, and to insist that a weak Power should not depend upon the will of a powerful nation, and to maintain the principle on which the balance of power in Europe is established. This being the case, to have replied to the question of the Russian Cabinet, that it was our intention to remain neutral, would have been to stultify ourselves, and to tie our hands for the future, and injure the very cause we were prepared to support. But my noble Friend seems to complain that Russia was not allowed to transport her forces from one Russian port to another in the Black Sea. Why, if we had permitted that, we should have had to remain passive spectators whilst large forces were being conveyed from Russian ports to Trebizond, and the most distant parts of the Black Sea, or to have passively witnessed the spectacle of the Turkish fleet interfering with such an expedition and insulting it. That, my Lords, would have been an anomaly; but certainly I do not think it so great an anomaly as the occupation of the Danubian Principalities without a declaration of war, in order to enforce compliance with a demand which could not be rightly demanded or conceded without the sacrifice of the independence and sovereignty of the Sultan. And although my noble Friend takes the part of the Emperor of Russia, and says he has been very ill used, I think what has taken place cannot be very new to the Emperor of Russia; for I will call your Lordships' attention to a case analogous to it, which occurred in the year 1850, and of which my noble Friend must be more cognisant than myself, for he was a Member of the Government at the time. In 1850, a dispute had arisen between the Governments of Austria and Prussia, which seemed likely to lead to a collision between these Powers. At that time, the Emperor of Russia declared that he constituted himself a pacificator between Austria and Prussia—that he was about to propose certain terms of arrangement, and that he had established a large basis, upon which peace might be negotiated. The terms he proposed were rejected by Prussia, and then the Emperor of Russia declared that, although it would give him much pain to be opposed to his ally Prussia, yet, that if she persisted in her rejection of the terms proposed, he (the Emperor) should consider it a *casus belli*; and, further than that, he requested that the British squadron should be sent to cruise in the Baltic with the Russian fleet, in order to show that the

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great Powers were determined that the dispute should be settled, and all further resistance put down. Therefore, I do not think that the Emperor of Russia can complain of this as a very new proceeding.

The next point to which my noble Friend has alluded—I must apologise to your Lordships for taking up so much of your time, but I wished to notice the points to which my noble Friend has adverted—was that of the alliance of Austria and Prussia with England and France. My noble Friend has rather treated with levity, or, at least, has viewed as insignificant, the attempts which we have made to secure and cement the alliance between this country and France with Austria and Prussia; but, my Lords, I must say that even since the last occasion when I had the honour of addressing you, we have had fresh reason to be satisfied with the conduct of these two countries. My noble Friend the other night complained of the deference which we have shown to them. My noble Friend even complained of Vienna being selected as the place for holding the Conference, although it was the mediation of the Austrian Government that had been asked for by the Russian Government; and one of the first grounds on which he objected to the choice of Vienna was, because of the extraordinary astuteness of the Russian Minister at that Court. Now, my Lords, I can only say that I wish that the same astuteness—or, as I should rather say, wisdom—had been displayed by the Russian Government itself; for this Minister approved of the Turkish modifications of the Vienna note as agreed to by the Conference, and recommended his Government to adopt them; and if his advice had been followed I do not think that Russia would have stood in the isolated and unenviable position which she now occupies. But, my Lords, remember that the Conference at Vienna have come to three determinations, which are recorded in separate acts—first, that the war, prolonged to whatever extent it may be, shall not be suffered to alter the geographical limits previously settled between the belligerent Powers; next, they have recommended the terms of an honourable peace, which they say ought to be accepted by Russia, to which the Ottoman Porte has expressed its readiness to accede; and, thirdly, they have recorded their conviction that the counter propositions of Russia are so unacceptable as not to be even worthy of being sent to Constantinople. Therefore, through the



joint action of England and France, as well as Austria and Prussia, the means of assenting to an honourable peace have been placed in the hands of Russia. And, whilst I do not wish on the present occasion to pronounce any unjust or harsh judgment, I must still say that there can now be no doubt what will be the universal opinion of mankind with respect to that Power which appears determined to plunge Europe into the incalculable horrors of war, when, with honour to herself, she might have averted it. Certainly, the Governments of Austria and Prussia—as I took the opportunity of saying before, a few days ago—have met the proposals of Russia in a manner becoming the dignity of independent Powers. Whilst England and France are preparing to go to war with Russia, and are determined to do so if necessary, with Austria and Prussia it rests to avert war, or, at least, to render it of short duration; and, undoubtedly, never were obligations of duty more in harmony with the general interests of those Powers. A noble and generous course will bring them safety abroad as well as at home, for they will have with them the universal opinion of Germany; and revolution, my Lords, will not rear its head, nor will England refuse its sympathy, to countries which are faithfully endeavouring to perform their duties and obligations. My Lords, the answer of Austria to the last mission from Russia was, that so long as Russia maintained a defensive attitude, so long Austria would retain an expecting one; but now that Russia appears determined to go further, and to push her intentions beyond that which she had led Austria to expect, Austria would be governed by a sense of her own interest and dignity, and she had sent a large portion of troops to the frontier—first taking care to give satisfactory assurances to Turkey with regard to the object of this measure, and declaring that if armed intervention should become necessary to maintain the strictly legal and territorial *status quo*, she would not refuse to join in it. I must add, my Lords, that the answer of Prussia was quite as dignified and decided; and on account of this intention of Prussia being known, I believe Count Orloff did not extend his mission to Berlin. And, therefore, I must say, my Lords, and I think that your Lordships will be of opinion, that our endeavours to secure the alliance of Austria and Prussia, and our deference to the wishes and interests of those Powers, have not proved in vain or been

misplaced. I believe that the people of this country, who, I must say in passing, have displayed the most admirable discretion during several months of great excitement and continuous misrepresentation, in not entering into discussion on this subject, still less have they passed a judgment upon the Government under imperfect information. And, I say, I cannot help believing that the people of this country, now that the facts are fully before them, and they are possessed of proper information, will not regret the labour which the Government has spent in the cause of peace; but that, on the contrary, they would even now, at the eleventh hour, be desirous of preventing war, could it possibly be prevented consistently with the honour and dignity of this country. And if it should be our duty to inform them that peace on those terms cannot be maintained, sure I am they will come forward in a manner worthy of Englishmen, worthy of the cause described by my noble Friend, and worthy of the ally by whose side they will then for the first time find themselves ranged; that they will stop short at no sacrifice, and neglect no effort to obtain such a peace as was glanced at by my noble Friend—such a peace as will be consistent with the national honour, and will establish those principles which we are determined at any risk to maintain.

THE EARL OF ELLESMERE said, he rose merely to call the attention of the House to a point of some importance, and which arose out of some observations which had fallen from his noble Friend near him (the Marquess of Clanricarde), and which might bear a construction that he was sure his noble Friend did not mean should be put upon them. It appeared that in consequence of the return of the fleets to Constantinople, and some occurrences thereupon, an impression seemed to have arisen that some censure had been implied on the conduct of the Admirals in command. This was, perhaps, a more important matter at the present moment than at the first glance it might appear to be. England had long since embarked a noble fleet in the cause which she considered herself bound to support; she was about to send from her ports another sample of those forces which had never been sent out in vain, particularly when sent for the protection of a weak State against a strong; and he trusted that those forces would not be sent out upon any principle which would allow of civil or diplomatic agents on the

spot interfering unduly with the professional judgment of their commanders. Instances of the sort were known in English history, and the result had been most disastrous. We had known a gallant English general (Sir John Moore) who had died in the service of his country, thwarted at every step by such a system; and we knew that if that system was not practised with the great man who succeeded, it was owing to the simple reason that he never would submit to it. He (the Earl of Ellesmere) was one of those who entirely concurred in the eulogies which had been passed, so far as the evidence appeared in the blue books, upon the diplomatic skill and sagacity of our Minister at Constantinople, Lord Stratford; but he did not think a worse favour could be conferred upon that noble Lord than to extend to him a discretion and a responsibility in directing the naval forces of England in the Black Sea. His noble Friend (the Marquess of Clanricarde) talked of the reports current at Constantinople relative to the conduct of the British Admiral. But, whilst he (the Earl of Ellesmere) confessed he was unable to pass a judgment with regard to the conduct of that gallant officer, he must say he gave no credence to such reports. There were other reports, however, and amongst these that it was the wish of the diplomatic agents at Constantinople that the combined fleets should remain at Sinope. Now it seemed to him that they could not have remained at any place more adapted for favouring the views of Russia than Sinope, and it was advisable to pause before taking any step which might enlist in the service of Russia the fogs, the lee-shores and the currents of the Black Sea.

THE EARL OF MALMESBURY said, his noble Friend (the Earl of Clarendon), whose conduct of foreign affairs was then under consideration, would do him the justice of admitting that neither during the last Session nor since the commencement of this had he pressed Her Majesty's Government against their declared wishes to produce any papers, the production of which they declared would be prejudicial to the public service. At the end of last Session he stated to their Lordships his reasons for believing that Her Majesty's Government had not taken the best course that might have been adopted for preventing the evils which were the cause of the present debate. And when he did so he pressed his noble Friend the Secretary for Foreign Affairs to produce at least one document

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which was not of the same nature as the rest of the correspondence, but which would have enabled him, without breaking through the rule which the Foreign Office very properly followed, to give the country some idea or notion of the *animus* which guided the policy of Her Majesty's Government. His noble Friend thought proper, however, to refuse even that document, which was the answer to the circular of Count Nesselrode. It therefore appeared as though his noble Friend had not answered the first circular at all, although the French Minister had done so; and after reading the papers now before their Lordships, he (the Earl of Malmesbury) must say he could find no good reason for his noble Friend having refused to Parliament the reply which he made to the second circular of Count Nesselrode, because that reply did the greatest honour to the noble Earl. Still less reason did he see for his noble Friend's silence with regard to the first circular; inasmuch as a great deal was said by the Russian Minister which ought to have been answered by the British Government as openly before the face of all Europe as it was by the French Government. The books upon the table were necessarily imperfect, because some events had occurred since they were printed; but he could not help regretting that correspondence relating to transactions which were most intimately connected with what followed, had not been given to the House at the same time. He alluded to the correspondence which he conceived must have taken place at the time Count Leiningen was sent by the Austrian Government to Constantinople—a mission which he had always felt was one of the principal causes of much of the complication that had followed. He could not conceive such a mission taking place, and the Emperor of Russia observing its course and conclusion, without His Majesty feeling in some degree a jealousy of the Austrian Court, and a strong desire to put himself on a par with that Court as regarded any claims or pretended claims he might have upon the Turkish Government. It would have been advantageous to their Lordships, therefore, in considering the question, if that correspondence had appeared by way of preface to the correspondence which alluded immediately to the transactions between Turkey and Russia.

In perusing, as he had pretty carefully done, the blue books before their Lordships, he must say that he considered himself

justified in having stated, as he had done in that House more than once, that he thought the Government of Russia had, in the first place, been deceived some how or other with regard to the feelings and intentions of the Government of Great Britain; secondly, that they had been confirmed in their delusion by the evident and positive want of identity of action between the two allies, the English and French Governments; and, thirdly, that that want of identity had been continued up to within a very few weeks of the present time. His assertion with respect to the impression on the Russian Government as to the feelings and intentions of the English Government was justified partly by the despatch of Lord Stratford de Redcliffe written at the time Prince Menchikoff made his first demand. It appeared that when Prince Menchikoff was feeling his way at the Ottoman Court, he had some conversation with Lord Stratford, and that afterwards Lord Stratford had reason to believe, as he himself stated, that Prince Menchikoff was labouring under the delusion that he (Lord Stratford, English Ambassador) was not only representing a Government that was well inclined to Russian demands, but that it was actually prepared to assist in securing them. He would quote Lord Stratford's own words:—

“When the Turkish Ministers, immediately upon the arrangement of the first question, were compelled by a peremptory requisition from the Prince to enter seriously into the remaining questions, they manifested a settled determination not to comply with that part of them which related to a guarantee in the shape of an engagement binding upon both parties with the force of a treaty. From this resolution of theirs I was not prepared to dissent, for the reasons which are stated in a confidential letter subsequently addressed by me to the Russian Ambassador, less with any hope of inducing him to alter his views, than for the purpose of undeceiving him as to the reliance which I was privately told that he persisted, however strangely, in placing on my co-operation.”

Surely, then, we might inquire what could have been the reasons which induced Prince Menchikoff to believe that the English Government would not only remain neutral in the matter, but positively assist in obtaining the satisfaction of his demands. That which he had just read was the first symptom in the books on their Lordships' table as to the existence of this impression on the part of Russia; and although his noble Friend the Earl of Clarendon said that that impression was unfounded, he (the Earl of Malmesbury) must continue to think that some language

must have been held somewhere by somebody that induced the Russian Government to adopt these opinions, and inoculated Prince Menchikoff with these views.

The next charge which he had formally to make against Her Majesty's Government was with reference to Colonel Rose's sending for the fleet, when it appeared that he had every reason to demand its presence in Turkish waters, and was quite justified in making that demand. He had been warned by all the British consuls in the southern part of the Russian dominions, and in the northern parts of Turkey, that Russia was arming both by sea and land. He was warned, and he (the Earl of Malmesbury) should have thought that such a warning would have opened his noble Friend's eyes at once, that Prince Menchikoff had actually threatened the Ministers of the Porte that Russia would consider it an act of hostility if any communication of his demands or negotiations was made to the French and English Ambassadors at Constantinople. That surely looked suspicious enough. It was natural, therefore, that Colonel Rose, upon hearing this, and that Prince Menchikoff was, as it were, ashamed of his own propositions, and wished to keep them secret, it was most natural that he should have asked for the advance of the English fleet. But so far from demanding that it should enter the Dardanelles, Colonel Rose merely requested that Admiral Dundas, who, he had been informed, was about to take a cruise in the East, should go to Vourla Bay, a port, he believed, open to any one, and to which our fleet went every summer—and this was a course which Russia could not have objected to. But Her Majesty's Government, differing from Colonel Rose, and also from the opinion of the Emperor of the French, commanded Admiral Dundas to remain at Malta; and a consequence of that command, as he (the Earl of Malmesbury) still maintained, and he thought the blue books fully proved, was to confirm Russia in the delusion under which she laboured, namely, that England and France were not in the same line. The noble Marquess (the Marquess of Clanricarde) had read to their Lordships the thanks which the Prime Minister had received on that occasion from Count Nesselrode; and similar thanks were also given in the same letter to his noble Friend (the Earl of Clarendon), who was looked upon as a *novus homo*, in whom Count Nesselrode had great hopes for the future, and in whom he

thought he might put great confidence. Count Nesselrode not only did that, but actually congratulated the Government on the want of unity in the two allies. Nothing, he thought, could confirm more than did all these transactions—especially this letter of Count Nesselrode to Baron Brunnow—the justice of the reproaches he (the Earl of Malmesbury) had directed to Her Majesty's Government on a former occasion on this point. Still, although the Consuls had declared from all parts that extensive military preparations were going on in Russia—although Prince Menchikoff was convicted of attempting to conceal from the English and French Ambassadors the negotiations which he had been commanded to open at Constantinople—all this failed to open the eyes of his noble Friend the Foreign Secretary. Why, after his noble Friend's lengthened experience of office in Spain, and after his experience in the Government of Ireland, one would have thought that the credulity of the most generous minded man would have been shaken by what he heard from these various sources. But no; nothing of the sort. Long after these events had taken place, two or three months after the alarm of Colonel Rose and the representations of Sir George Seymour and the Consuls relative to Russian armaments—namely, on the 18th of April, his noble Friend, writing to Lord Cowley, said—

"Count Walewski has read to me a despatch from M. de Benedetti, which appears to have given some uneasiness to the French Government, and particularly as regards a secret treaty, similar to that of the 8th July, 1833, which is said to have been pressed upon the acceptance of the Porte by Prince Menchikoff.

"I told Count Walewski that the same information had been communicated to Her Majesty's Government by Colonel Rose, but I had reason to believe that the treaty in question would be a written agreement with respect to the Holy Places, and the mode of conducting Divine worship and religious ceremonies there by the Greek and Latin communities."—[No. 145.]

Now, if this were all—if it were merely a written agreement respecting the Holy Places—a subject in which Her Majesty's Government had declared months before England had no interest—if that were all, why should Prince Menchikoff have attempted to conceal his proposals to the Turkish Government? it would have been just to suppose that, had the Holy Places alone been the subject of his mission, he could have had no object in concealment, when it had been declared by the English Government that they had no interest in

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the matter. It appeared that the subject of calling up the fleets to the Dardanelles by the Ambassadors, was the cause of much discussion in the Cabinet. He concluded that the question was, whether the authority should rest in the Government at home, or be deputed to the Minister at Constantinople; and it was at last given, and he (the Earl of Malmesbury) thought, very properly given—to Lord Stratford. But it was given only on the 2nd of June, and it did not appear that Her Majesty's Government were aware that the French Ambassador had received authority to call up the French fleet so long before as the 22nd of March. Now that the French Ambassador had the power to call up the fleet on the 22nd of March, and that Lord Stratford had no such power during all the month of April and the month of May, must have been as well known to the Russian Ambassador at Constantinople and to the Turkish Government, and to everybody else concerned, as it was to the French and English Ambassadors themselves. And was it not probable that this want of unity in action must have made a strong impression on the Russian Government, and have contributed to maintain the delusions and ambitious dreams of an obstinate man, who sought for every excuse to justify and support him in the course he had entered upon. But there were other matters which ought to have made his noble Friend suspicious of the real objects of Russia. The Russian misrepresentations were not confined to stating what was certainly not the fact with respect to the mission of Prince Menchikoff—there were all sorts of gross misrepresentations and accusations made against Lord Stratford, and which were to be found in the first volume of the papers on their Lordships' table. He was accused by Count Nesselrode of being the first cause and adviser of Reshid Pacha in resisting the Menchikoff demands. The charge was wholly unfounded, and Count Nesselrode, probably not believing his informant, refused the only remedy he could honourably have given—namely, an investigation into the source of this gross and undeserved accusation against an Ambassador. And this was not all. There were also strange misrepresentations made as to the conduct, words, and actions of Lord Westmoreland at Vienna, and afterwards of our Ambassador at Paris. All these things, he should have thought, might have been sufficient to convince Her Majesty's Government



that the object of Russia was such a one as would not bear the light. But instead of their taking a firm tone with Russia, they appeared to have entered upon a course of negotiation; and if he (the Earl of Malmesbury) were an older diplomatist, he should say that that negotiation resulted in an accident in diplomaey which could never be forgotten. The Conference which prepared the first Vienna note assembled. It was composed of men of undoubted talent and experience, who wished well to Turkey, and desired to protect her against the unjust claims and aggressions of Russia, and they framed such a note as they thought would ensure peace. That note was forwarded officially to both parties; it was at once accepted by Russia; and Count Nesselrode, he (the Earl of Malmesbury) thought, very suspiciously, said that Turkey ought to take it *aux mains jointes*. But Turkey refused to accept it in its original shape, and proposed certain modifications. When his noble Friend the Foreign Secretary sent that note to Lord Stratford, this was what he said about it:—

“ Her Majesty’s Government have, in preference to all other plans, adhered to this project of Note as the means best calculated to effect a speedy and satisfactory solution of the differences. They consider that it fully guards the principle for which throughout we have been contending, and that it may therefore with perfect safety be signed by the Porte; and they further hope that your Excellency, before the receipt of this despatch, will have found no difficulty in procuring the assent of the Turkish Government to a project which the allies of the Sultan unanimously concur in recommending for his adoption.” [No. 32.]

That was the opinion of Her Majesty’s Government; but what was the view entertained by our Ambassador? Lord Stratford wrote—

“ Though I scrupulously abstained from expressing any private opinion on the merits of Count Buol’s Note while it was under consideration at the Porte, I think it incumbent on me to state frankly to your Lordships that the decision of the Council has in no degree surprised me. In making this avowal, I have exclusively in view those passages of the Note to which the Porte objects. It really appears to me, with all deference to your Lordship’s superior judgment, that the first two of the objectionable passages could hardly stand as they are without exposing the Porte to inferences not borne out by facts, and eventually to pretensions that it would be equally inconvenient, if not dangerous, to admit or to resist.” [No. 73.]

Such was Lord Stratford’s opinion in contradistinction to that of the Ministry, who had said it could be accepted with perfect

safety. Then the noble Earl at the head of the Foreign Office wrote:—

“ Her Majesty’s Government are far from denying that these modifications are in themselves unobjectionable; but they do not consider them of that vital importance, nor that they offer such additional security to Turkey, as to counterbalance the risks to which the Ottoman empire is exposed by further postponing the settlement of this unfortunate question.” [No. 88.]

So the noble Earl stuck to his opinion, notwithstanding the representations of Lord Stratford, and, of course, he (Lord Malmesbury) concluded that the other diplomatists who drew up the Note remained of the same opinion as the noble Earl. Who, however, turned out to be right? The question must have remained a matter of opinion to this moment but for a startling despatch from Count Nesselrode himself, interpreting the original Note which his Government had accepted, not as the noble Earl, not as the French Minister, not as the Ministers of Austria and Prussia had done, but in the same sense as the Turkish Government had done before, thereby justifying the Porte in the eyes of its would-be friends in refusing to accede to it. He (the Earl of Malmesbury) could imagine the extraordinary confusion that would be caused in the body of diplomatists at Vienna at finding that they had been composing a Note in express contradiction to what they had meant to say. Then, as events went on, there was another disunity of action between the two allies, England and France—a disunity which was no doubt at once laid before the Russian Prime Minister, and naturally remarked upon by him—he meant with respect to the object of the fleets being sent to the Black Sea. It appeared that when orders were given for the fleets to advance into the Black Sea, it became the duty of the French and English Ambassadors at St. Petersburg to acquaint Count Nesselrode with the fact. But it also appeared that whilst General Castelnajac was instructed to read the despatch of his Government to Count Nesselrode, Sir George Seymour was instructed to communicate only the substance of the despatch from his Government. Both despatches were substantially the same. Both Governments stated that the fleets were going into the Black Sea to defend the territory of Turkey; but the English Government added that they would use their utmost means to prevent the Turkish fleet from making an attack on the Russians. This passage, however, was omitted from the French

despatch. As to the object of the fleets going into the Black Sea, in a communication from the noble Earl to Baron Brunnow (Oct. 1), the noble Earl said :—

“ It is true that on entering the Principalities war was not declared by Russia ; but a country whose territory is forcibly invaded and retained in contravention of a special treaty engagement, for the purpose of compelling it to submit to conditions which it considers incompatible with its political independence, whose functionaries are forbidden to hold intercourse with its Government, and whose tribute is suspended—that country cannot consistently with international law or usage, or with common sense, be considered at peace with the Power that so acts towards it ; and I repeat, therefore, that from the day on which the Principalities were occupied, the treaty in accordance with its own provisions, has been suspended, and it rested with the Sultan and with Her Majesty's Government to determine at what time, and for what purpose, the British squadron should enter the Dardanelles.

“ It is not necessary to pursue this subject further, as Her Majesty's Ambassador has called up a portion of that squadron to Constantinople, not, as you appear to suppose, to favour an object on the part of the Divan of opposing fresh obstacles to the work of conciliation, but exclusively from apprehension of local dangers to British life and property. His proceedings have been entirely approved by Her Majesty's Government, who, with the same object in view, have instructed him to send for the whole of the squadron.” [No. 118.]

Five days after, the noble Earl, writing to our Ambassador at Paris on the subject, speaking of the same fleets and the same object, said—

“ It, therefore, appears advisable to Her Majesty's Government that general instructions should be given to the Ambassadors and Admirals to employ the combined fleets in whatever manner and at whatever place they may think necessary for defending the Turkish territory against direct aggression. If the Russian fleet were to come out of Sabastopol, the fleets would, as a matter of course, pass through the Bosphorus.” [No. 130.]

Therefore, the object stated to Lord Cowley is not that which was stated to Baron Brunnow—not the defence of the lives and property of Her Majesty's subjects—but positively (and he was very glad to say so) the defence of the Turkish territory. In the name of all that was straightforward and honest, however, why not have told Baron Brunnow that ? He ought to have been told that at first ; his mind ought to have been strongly impressed with what was the object of sending the fleets there—that they went there to maintain, if necessary, the rights and the independence of Turkey and her territory. What was the use of being chary of the truth with him ? Such an omission on the part of the Government only reacted on themselves—because Baron Brunnow must have trans-

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mitted to his Government the statement which had been made to him, and of course it tended further to deceive the Russian Government as to the vigorous measure which, at last, Her Majesty's Ministers were determined to follow in the prosecution of their policy. The same infirmity of purpose, the same want of courage, pervaded the whole of their policy during those transactions. How did the noble Earl treat that event, which must be regarded as one of the most important in the whole series ?—he referred to the occupation of the Principalities. With the same timid politeness, the same extreme tenderness, the same—really he could not find a word sufficiently strong to express what he felt as to the manner in which that question was treated—but he would read to the House the noble Earl's own account of this matter in his letter to Sir George Seymour, dated the 22nd July, announcing the communication he had had with Baron Brunnow. How could their Lordships suppose that the English Minister, who had protested against such an attack as being a breach of treaty, of humanity, and of justice, the invasion of the Principalities, would treat such a question in his communication with the representative in London of that invading Power ? Here were the noble Earl's own words :—

“ I have communicated to Baron Brunnow the substance of my despatch of the 19th instant to you, and informed him that I had not alluded in it to the evacuation of the Principalities as a necessary and immediate consequence of an arrangement of differences between Russia and the Porte, because I thought it would be little less than an insult to the Russian Government to suppose, after the public assurances that had been given on the subject, that any portion of the Turkish territory would be occupied by Russian forces for a day longer than was necessary for their evacuation when the question at issue between the two Governments was amicably settled.” [No. 363.]

Little less than an insult to the Russian Government ! Why this conduct on the part of the noble Earl reminded him of an anecdote told of a very timid master of the ceremonies in a town near where he (the Earl of Malmesbury) lived, who was surprised by the appearance of a ferocious-looking person walking uninvited into the ball-room, and remaining there amongst his guests with his hat on. Some of the company having urged the propriety of his being turned out, the master of the ceremonies replied, “ Pray have a little patience, I have no doubt the gentleman will take his hat off by-and-by.” Now the noble Earl had declared that in the negotia-

tions which Her Majesty's Government were carrying on in respect to these transactions, the evacuation of the Principalities should be a *sine quâ non*. This then was the way in which the noble Earl made it a *sine quâ non*, namely, that no allusion was made to it in the despatch of the noble Earl to Sir George Seymour, as a necessary and immediate consequence of an arrangement of differences between Russia and the Porte, because, forsooth, he thought it would be little less than an insult to the Russian Government. Nor did the noble Earl mention it in any other place. In the famous Vienna note no mention was made of the Principalities—a most extraordinary omission! The subject was avoided in that document, no doubt from the same motive, namely, the fear of offering an insult to Russia, after the assurances that had been made by that Power. He hoped that none of their Lordships would suppose that he was blaming the Government for not having taken hostile measures sooner. He did not complain of their efforts to maintain peace, the value of which he felt as highly as any man; but what he conceived was that Her Majesty's Government had mistaken the method of obtaining that object. They ought to have borne in mind that they had to deal with a man of absolute power—of strong feelings and passions—a man who had an hereditary and fixed idea in his own mind—for this fact could not be denied—that it was decreed that either he or his descendants should occupy Constantinople. We need not go back to the story of the gate erected for Catherine on her way to the Crimea. Her Majesty's Government should have recollected that they had to deal with a man who had great prejudices, who was most absolute in his opinions, and obstinately determined in his character, and who could not be turned from his purpose, by having it distinctly manifested to him, in the most emphatic language and manner, that dangers greater than any glory or advantage he could hope to gain from his object, would inevitably befall him, as the result of his attempting it. They should have made him from the very first distinctly understand that the existence of an independent Sovereign at Constantinople was a political necessity to England and to France, fully equal to that which he might deem Russian possession of Constantinople to be, and that England and France were resolute, at all cost, to vindicate that necessity. It had been lightly asserted, and by a man

of eminent ability too, that it was matter of little consequence to whom Constantinople belonged, and that there was no sort of political objection to its being in the hands of Russia. It might be thought that he was exaggerating in what he was about to say; but he believed that, as far as regarded our supremacy as a maritime Power—as far as regarded the safety of our great empire—the possession of Constantinople by Russia would be more fatal to both than would be the loss of Ireland, if we could conceive the possession of Ireland in the hands of an independent sovereign. Under such circumstances, Ireland could not be as formidable an enemy to this country as the monarch of so vast a territory as Russia in full possession of Constantinople. We know that at this moment Russia has twenty-seven sail of the line in the Baltic, and fifteen sail of the line in the Black Sea. If she had possession of Constantinople, without the expenditure of a farthing more than at present upon her Navy, she might with the greatest ease, if she chose, transport her fleet from the Baltic to the Mediterranean. With little difficulty she could then collect thirty sail of the line in one spot. And how would those ships of the line be guarded? How would they be drilled and exercised? Why, there would be ports upon ports—arsenals upon arsenals—impregnable to any other Power, if Russia were once in possession of the Dardanelles. And how could this great force be kept from being available against us, if the Autocrat so desired? Once in possession of the Bosphorus, thus rendered impregnable, this fleet, so unassailable from without, might rush, at any moment, into the Mediterranean, and then in what a position would Malta or Corfu be, with such garrisons as we had there now? In what a position would English power in the Mediterranean be, maintained by the five or six sail of the line we had kept up for some years past? Nor would the relative position of France, in such a contingency, be better than that of England, for it was quite fallacious to say that France had a less interest than we in the possession of Constantinople by the Russians. France was equally interested in opposing the encroachments of Russia upon Constantinople; with respect to the Mediterranean, she would stand in the same position as that he had just described. With Constantinople in the possession of Russia, France would very soon have to meet a

hostile fleet acting against her between Toulon and her Algerian conquests. Unquestionably, then, it was pre-eminently worth while for these two great nations to apply their utmost efforts, how great soever the calamities and the cost of war, to avert such a catastrophe as the occupation of Constantinople by Russia. He submitted that Her Majesty's Government ought to have placed before the Emperor of Russia the plain and comprehensive fact, that England and France were resolute to defend the independence of Turkey with their last soldier and their last shilling. The Emperor of Russia would not then have been led into any mistake or misapprehension as to those transactions; but he would have comprehended the gravity of the undertaking he had entered upon, when, without any justification or provocation whatever, he urged a series of demands upon Turkey which no independent Sovereign in the world could with dignity accept, and which no independent nation like us could hear without utter and avowed indignation.

LORD GLENELG, who was indistinctly heard, was understood to say, that he, for one, was prepared to consider the negotiations on this most grave subject rather with reference to their general character and effect, than with reference to minor details; and, so considering them, he was equally prepared to express the opinion that the Government had, in the volumes now under consideration, made out what was popularly termed a very good case. He was aware of the existence of no negotiations, of no diplomacy, at any period, or between any Powers, to which minor objections might not be, and had not been started, and these might be discovered by those who sought minor points of doubt and objection in the negotiations under consideration; but he would boldly say, looking broadly at these negotiations, upon so important an occasion, extending over so long a period, conducted with so many parties, and in so many quarters, that the Government, in his judgment, came before Parliament, and before the country, and before the world, in the position of men who had acted well and justly in a good and just cause. They felt that war was to be deprecated as full of grievous evils, but they felt also that there were evils to which war itself was preferable, when war became an exigency in which were involved great national interests—the cause of humanity, the cause of human progress; and

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what they sought should be judged was, not minor particularities, but the general scope of their intentions, their actions, and their language. Feeling with deep earnestness how great are the evils of war, the Government were to be commended instead of blamed, that so long and so anxiously they had sought to avert those evils, while yet prepared to encounter them, if, by them alone, the greater evils, inevitable from the longer avoidance of war, were to be averted in the name of humanity and of the world's progress. That was the position in which the Government stood before the world at the present moment. The objections of the noble Earl who had just sat down, resolved themselves into these two particulars. The noble Earl had charged it upon the noble Minister for Foreign Affairs as heavy faults that he had exhibited too much credulity and confidence in the assurances of Russia, and that he had, in his intercourse with her Ministers, been over-tender in language. He (Lord Glenelg) would appeal to any assembly of gentlemen, to any men of honour, whether it was, in reality, blameable in the noble Secretary to have placed confidence in the assurances of a man whose conduct had hitherto been marked by moderation and wisdom, who in his past life had given no cause for mistrust in his assurances, and whose assurances had been given under circumstances which commanded the belief, not only of the Government of this country, but of every Government in Europe; or whether it was really a crime in the noble Earl that his communications on this most delicate and important subject had been conveyed in language exempt from violence and insult? It appeared to him (Lord Glenelg) that, while the conduct of the British Government throughout these negotiations had been perfectly straightforward, direct, and honourable, impressed with the highest tone of moral feeling, their language had been precisely that which the case required, conveying in courteous, but in perfectly unequivocal terms, the facts of the matter and their opinions and views upon them, and as to their results. The frank and honest understanding between England and France, perfectly harmonious in their sentiments, however occasionally differing in opinion, had been declared throughout in despatches correspondingly frank and honest, open and manly, breathing not only a full sense of the responsibility of the Government to the material interests so largely involved, but of responsibility of a still higher kind, of



responsibility attaching to them as lovers of peace, of advancement, and as men and Christians. There was a notion abroad that diplomatic correspondence was of necessity and invariably a course full of equivocation, of mutual attempts to deceive, of prevarication, of falsehood. There were, doubtless, records of negotiations extant to which this discreditable attribute applied, and he feared that even of the blue books now before their Lordships there were some portions not wholly exempt from such characteristics; but he would venture most distinctly to assert, that on no part of the conduct of our Government and our allies could the reproach be cast. As to Turkey, the noble Earl himself (the Earl of Malmesbury) had declared the absolute necessity of our resisting by every means the pretensions of Russia. If there was anything that had made Europe great and glorious, that had advanced morality, science, and political improvement—if there was anything that could touch the feelings of men, that could raise generous indignation against the oppressor, and cause feelings of sympathy on behalf of the oppressed—it was for the sake of these things that this war was undertaken. The war would be undertaken to prevent the destruction of those great privileges which Europe had so long enjoyed, and to save from dislocation and ruin all that was great and good and glorious which during the last thousand years had been gathering round the institutions of Europe. He did not think any State papers that had been issued on any occasion had been more creditable to the writers than some of those which had emanated from the Turkish Government in the course of the recent diplomatic correspondence. It was true that at the commencement of Prince Menchikoff's mission, when Turkey was in a state of pressure between two powerful countries, and felt her feebleness, she did manifest some symptoms of vacillation; but he thought, after that mission was closed, that there was nothing to complain of in her conduct. He would particularly allude to the manifestoes of the Sultan, which did him the highest credit; he would also allude to the letter of Reshid Pasha when war was announced by Russia, and to the remarks of Reshid Pasha upon what was called the Note of Vienna, which were contained in a paper singular for the talent it displayed. He referred to Lord Stratford, who had, through all these transactions, exhibited abilities and qualities of the highest order. He knew that there

were some persons even in that House who conceived that his conduct had been marked by an anti-Russian tendency. He must say he could not discover any evidence of such tendency. He thought his conduct had been such as would be pursued by honest and just-minded men in the strict discharge of an important duty; and so far from observing any anti-Russian tendency, he had remarked only a tendency towards that line of conduct which could alone protect Turkey, and rescue her from her present position. In his opinion, his conduct displayed noble qualities, and his correspondence a courage that never flinched, a sagacity that had never faltered, powers and resources adequate to meet every new emergency that might arise. He greatly regretted that, during the conversation that took place the other night, and again that evening, expressions or intimations had fallen from noble Lords—unintentionally, he had no doubt—even while justifying the union that had taken place between France and this country, which might out of doors be regarded as throwing doubt upon the continuance of that alliance. He was persuaded, as far as he was able to judge, that no such variation of feeling had taken place between the two countries, and it was highly satisfactory to find that at last these two great Powers, to whom all Europe must look, were bound together by the closest alliance. Well has the Emperor of the French avenged himself for the hard words that at some periods we applied to him in this country; and for these calumnious attempts which were made to lead the people of England to believe that he was a man whose desire it would be to subvert the ancient order of Europe, and to overthrow existing thrones. Instead of this, he was the very first person to whom this country had now looked, and who joined with them in cordial sympathy, not to destroy but to support the ancient monarchies and great political principles; and well had he been supported by that accomplished and eloquent statesman, M. Drouin de Lhuys. He (Lord Glenelg) trusted that in what remained of these mighty transactions the relations of the two countries might be yet more firmly cemented, and that, having concurred in negotiation, and having been exposed to the same hazards, they might enjoy the same successes and achieve a common triumph. It had been said that if the fleets had been called out when they were

first summoned, the war might have been avoided. But he must say that he could see nothing in the conduct of Russia, either previously to these transactions or subsequently, which gave him any notion of her flexibility; he could not believe that the course taken by Russia had been the result of a sudden burst of fanaticism—he believed that it was based upon a settled system. It would have been a risk, at all events. And supposing war had not been avoided, what would have been the result? What would have been said of the Government? Who would have told them, you have plunged us into war? The very men who now taunted the noble Earl at the head of the Government and the noble Earl the Secretary for Foreign Affairs. They would have said, you have plunged us into a voluntary war against Russia, for which there was no necessity; and the Government would have lost their self-confidence, and the consciousness of having done their duty. Many a great warrior, and many a great statesman, who had plunged his country into war, would afterwards have given worlds to have retraced his course. What was the chief merit of Sir Robert Walpole, with all his faults and delinquencies? That he was a Minister of peace, that he resisted popular clamour, and the advice of those who would have urged him on to war. His noble Friends on the Ministerial bench had, however, been more fortunate than Sir Robert Walpole, for he was condemned by the country, though it had since done him ample justice; but they had been fortunate enough, or wise enough, so to conduct their negotiations that they entered on this great war with the majority of the people of this country on their side; they entered upon it after having satisfied the people of this country, and gained the concurrence of Europe, and they entered upon it after having done all to avert it that their prudence could dictate, or their consciences require. If a war had been brought on prematurely, how easy would it have been to persuade other nations of Europe that France and England, for purposes of their own, had contributed to such a dreadful result! If more premature measures had been taken, it would have been proclaimed that at a moment when Russia was believed by all Europe to be sincere, and when Europe was trembling at the prospect of war, this country, regardless of feelings of humanity, had, for objects of its own, plunged the world into a terrible war. That, he believed, would

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have been the verdict of history, and of the present time, unless before proceeding to extremities we had exhausted every means of preserving peace; whereas now we had Europe heart and soul on our side, and the voice of Europe would be heard and felt, not merely through Europe itself, but even in the recesses of the Russian empire itself. He trusted that as Her Majesty's Government had conducted their negotiations, as he believed, with the general approbation of the country, they would now be prepared to display the spirit for which he gave them credit in carrying on the war. He believed this nation had learnt a lesson from past wars. It was true, as had been said by a noble Friend of his, that it might be questionable whether the axiom of the Duke of Wellington, that a great nation should not carry on a little war, was applicable on all occasions; but he (Lord Glenelg) trusted that in this instance no petty warfare would be carried on, that there was to be no byplay at war, that there were to be no spasmodic efforts, no nibbling at extremities, but that with a strong and overpowering force the Government would aim at and accomplish great and vital objects. They had the means of effecting such objects. This was a great nation; it possessed great genius, great courage, great science, great improvements in all arts of peace and war. Let them employ all these great qualities, and he, for one, would not be afraid of the result.

EARL GREY: My Lords, if I do not take the same view of this question as my noble Friend who has just sat down, I can assure him I most cordially concur in what he has said in praise of the conduct of France throughout these transactions, and also as to its being the duty of the country to make the preservation of peace the great object of its policy. Indeed, I differ from him principally because I think that we ought to have carried that policy still further; and my chief objection to the course taken by the Government is, that they have not abstained as carefully as they ought from proceedings calculated to involve us in war. I concur, also, in the opinion expressed a few evenings ago by another noble Friend of mine, who is also sitting on the cross benches, that, upon this subject, to look back to the past is of little importance, except in so far as it bears upon the future. I have no wish to criticise the policy of Her Majesty's Government in a hostile spirit; and, there-

fore, though I cannot say I think that the very difficult and very embarrassing question on which they have had to decide have always been decided by them in the wisest and soundest way, I certainly shall not point out the errors into which I may think they have in some cases fallen, except when those errors have a decided bearing upon our present position and our future policy. But, my Lords, I do feel that the main and original fault committed by Her Majesty's Government in this matter was in having allowed themselves to be drawn into the quarrel between Russia and the Porte at all; and, believing that the considerations which have led me to that conclusion have a most direct bearing upon the great question of how peace is now to be restored, I think it my duty to lay those considerations before your Lordships. I do so with the less hesitation, because I know that they can have no tendency to increase the difficulties of Her Majesty's Government, which I would upon no account aggravate, at this moment of national danger. On the contrary, knowing as I do how strongly public opinion is now running in favour of war—that the general and prevailing censure of Her Majesty's Government is not for having gone into war too early, but for having done so too tardily—I think that there may be even some advantage to them if I should attempt to show that there are not wanting reasons in favour of a still more pacific course than that which they have pursued. I have said that I think the great fault of the policy pursued by Her Majesty's Government was in allowing us to be drawn at all into this quarrel. I do not hold that opinion because I differ from those who have preceded me as to the conduct of Russia. I agree in all that has been said in condemnation of the conduct of Russia towards Turkey in this case. But it does not follow, because Russia has done wrong, that it was expedient or proper for us to undertake the defence of Turkey. It is no part of our duty, as a nation, to undertake—like knights errants of old—the general redress of wrongs, and to protect every weak State which may be oppressed by a more powerful neighbour. We have no business to interfere in the disputes of other nations, unless we are called upon to do so either by some engagement which we have contracted, or by some great interests of our own which are involved. In this case I think it is universally admitted that we are bound by

no engagements. The noble Earl the Secretary of State for Foreign Affairs told us a few evenings ago that there was no treaty which gave Turkey any right to call upon us to undertake her protection. It will be my endeavour to show you that an enlightened regard for our own interests equally counselled us to abstain from interference. My Lords, when we inquire upon what grounds our interference was called for, we are told, as the chief reason for it, that it is a great object of our national policy to maintain what is called the independence and integrity of the Ottoman empire. I have been used to hear those words employed for the last twenty years. This is one of the set phrases of professional diplomacy. But, though among diplomatists it passes as an axiom, I may venture to say that, when you look into what is really meant by these words, they are not entitled to so much weight as is usually given to them. You talk of the independence of the Ottoman empire. Allow me to ask you—what independence, what real and substantial independence, has Turkey enjoyed since that day when she was saved from destruction at the hands of a rebellious vassal by calling the armies of Russia to the shores of the Bosphorus? From that day what real independence has Turkey enjoyed? She has been in a state of avowed and lamentable weakness—not able to refuse any demands, however unreasonable, put forward by any European Power, unless some other Power should come forward to undertake her defence, and to extricate her from the difficulty. I must say, I think those who have read the blue books, who have seen the manner in which, upon what is called the question of the Holy Places, the unfortunate Sultan was treated by France and Russia in turn—driven first one way and then the other by a force he was totally unable to resist—those who have read the details of the humiliation he was forced to submit to—must, indeed, be of opinion with me that, to talk of the independence of the Ottoman empire is nothing else but a bitter mockery. What definite meaning do you attach to those words? Do you mean that it is to be a great object of our national policy to maintain the authority of the Turkish Sultan over all those vast provinces which are now under his real or nominal sway? Is that what you mean? If so, my Lords, I venture to say that you have rather hastily adopted the conclusion that that ought to be an object of our national

policy, and without having duly considered what is the nature and character of that Power whose authority you require us to maintain. My Lords, what are the Turks, and what is the Turkish power? We know what the origin of that power was. We know that a horde of fierce barbarians, endeavouring to spread by the sword a false religion, conquered one of the finest regions of the earth. We know that under their despotic oppression for four centuries the population have been ground down, and civilisation and industry have been withered as by some blight under their rule. This is what every man knows in times past has been the character of the Turks and of the Turkish power. We are told that now a great improvement has taken place—that the character of the Turks and of their Government is altogether altered, and is no longer that which we formerly knew it to be. I cannot see any evidence of such alteration. For my own part, I believe that any real change for the better in the character of the Turks is utterly impossible while they continue to be Mahomedans. I believe that the spirit of the false and bloody religion which they profess is so essentially adverse to moral improvement and civilisation, that you can never hope to see either in a people which still adheres to it. But, my Lords, I ask again, what is the evidence of that improvement which is talked of? For myself, I see no symptoms of any changes in the character of the Turkish rule, except those which are due to the diminution of Turkish power. It is quite true that Turkey, since her power has passed away, instead of threatening and insulting the European nations, crouches first to one, then to the other, and continues to owe her existence as a nation to their mutual jealousy. It is quite true that in many Turkish provinces the oppression of the Christian races is no longer so easy and so safe as it was; and, therefore, in those cases the weight of the Turkish yoke is alleviated. But where the Turks have the power, it seems to me that their character is much what it has always been. We still hear, according to the most trustworthy accounts that can be given us, of the universal corruption in the Government, of the tyranny which is exercised over the population, and of the absolute want of security which exists for person and property. As the necessary and natural consequence, we find the finest region of the earth still struck with sterility, and maintaining with

difficulty a scanty and distressed population. We have still the conquering race little improved from their barbarian ancestors, and having gained little from civilisation but its vices; and we have still the conquered race groaning under a cruel and a grinding oppression. That is the account which we have from the best travellers of the actual state of things at the present moment; and I venture to call your Lordships' attention to a much higher authority than my own upon the state of the Turkish empire and the character of the Turkish power. I find my noble Friend the Secretary of State for Foreign Affairs, in his instruction to Lord Stratford de Redcliffe on his return to Constantinople in February last year, speaking of the increasing tendency to disorder and weakness in the Turkish empire, and using these words in a subsequent despatch of the 24th June, 1853:—

"It is impossible to suppose that any true sympathy for their rulers will be felt by the Christians so long as they are made to experience, in all their daily transactions, the inferiority of their position as compared with that of their Mussulman fellow-subjects—so long as they are aware that they will seek in vain for justice for wrongs done either to their persons or their properties, because they are deemed a degraded race, unworthy to be put into comparison with the followers of Mahomet. Your Excellency will plainly and authoritatively state to the Porte that this state of things cannot be longer tolerated by Christian Powers."—[No. 282.]

That is my noble Friend's estimate of the condition in which the Christians still find themselves in the provinces of Turkey, with no security for their persons or their property, because they are not considered worthy to be put in comparison with their Mussulman fellow-subjects. What is Lord Stratford de Redcliffe's own opinion upon this subject? His opinion is even more strongly expressed than that of my noble Friend. I find it stated by Mr. Cobden—I have no doubt upon good authority—that some two years ago, Lord Stratford de Redcliffe, at a public dinner given to him by the British residents in Constantinople, who were the best judges of the truth of what he said, in referring to the Turkish Government, spoke of "the corruption which eats into the very foundation of society, and a combination of force, fraud, and intrigue, which obstruct the march of progress, and poison the very atmosphere in which they prevail." He alluded also, he said, with the profoundest grief, "to the signs of weakness and error which surrounded him, to the financial embarrass-



ments of the Government, and to the great charter issued by the present Sultan being discredited by the non-performance of its promises." These are the expressions of Lord Stratford de Redcliffe, in a speech at a public dinner; but his words are hardly less strong in well-considered diplomatic despatches. You will find enclosed in one of the noble Lord's despatches, two instructions which he addressed to Mr. Pizani, which he was directed to read to the Turkish Secretary of State, and to give him a copy of. Both those instructions are in very strong terms. The first is dated June 22; but I will only trouble your Lordships with the last, which is dated July 4, 1853, when the aggression of Russia was actually beginning, and when Turkey knew that she was depending upon the support of France and England for her very existence, and had every motive, therefore, for listening to our remonstrances with respect to the treatment of her Christian subjects. Lord Stratford at that time said—

"I have frequently had occasion of late, and indeed for some years back, to bring to the knowledge of the Porte such atrocious instances of cruelty, rapine, and murder as I have found, with extreme concern, in the consular reports, exhibiting generally the disturbed and misgoverned condition of many parts of Roumelia, and calling loudly for redress from the Imperial Government. The character of these disorderly and brutal outrages may be said with truth to be in general that of Mussulman fanaticism excited by cupidity and hatred against the Sultan's Christian subjects. I will not say that my friendly and earnest representations have been entirely disregarded; on the contrary, I have sometimes had the satisfaction of being instrumental towards the repression of crime, the alleviation of individual suffering, and the recall of incapable magistrates. But the evil, nevertheless, has not been permanently removed, and the effect of every partial check has been of short duration."—[No. 355, *Inclosure 2.*]

Such are the testimonies of my noble Friend the Secretary of State for Foreign Affairs, and of the noble Lord who is now the British Ambassador at Constantinople, as to the character of the Turkish rule so far as regards its Christian subjects. But it is not its Christian subjects only to which it is oppressive and cruel. I can quote evidence, not, I think, less valuable than that of Lord Stratford de Redcliffe or my noble Friend near me, with regard to the Porte's treatment of its Mussulman subjects. I dare say most of your Lordships have read a most interesting volume which was published not a year ago by Mr. Layard, giving an account of his latest researches at Nineveh. If you have done so, I think

you must have been struck, as I was, by his account of that once splendid country, the nursery of human civilisation, which formerly supported an almost countless population, of whose wealth and prosperity evidences are still being brought to light, in which he describes the misery and wretchedness of the inhabitants of those fertile regions. They are now inhabited possibly by hundreds where formerly there were millions, and those hundreds are in the lowest state of barbarism and want. And, my Lords, Mr. Layard shows us why that is the case. By his clear and simple narrative of transactions which passed under his own eyes, he has well explained how it is that, though the tribes that wander over those fertile plains are not wanting either in a disposition to industry or in many other good qualities, yet that every attempt at improvement is checked by the utter corruption, extreme tyranny, and total want of faith with which they are treated by the Turkish authorities. In this case they have not their fanaticism to plead as an excuse, for the sufferers are as good Mussulmans as the Turks themselves—they are not the victims of any religious prejudices;—it is nothing but the inherent corruption of the system of government and society which works these results. If, then, that be the character of the Turkish Government, and if that be the effect of the Turkish rule, I ask will your Lordships, will this Christian country, adopt the conclusion that to maintain the integrity of the Turkish empire, and to uphold the sway of that Sultan who rules in the manner which I have described over those extensive regions are a worthy object of the policy of this great Christian country and a worthy end to be attained, by the heavy sacrifices to be imposed by war on the British people? I think that no man can contend that it is so. But I know what is the answer. I know that we shall be told that we are to maintain the integrity of the Turkish empire, not out of regard for Turkey, but out of apprehension of Russia. There are many who think that the power of Russia is so great and formidable, that upon the most ordinary principle of self-preservation it is our business to take care that she does not increase or extend that power. My Lords, I confess that for very many years I have been persuaded that that apprehension of Russia is a delusion. I am quite aware that the Emperor of Russia has under his sway an enormous portion of the surface

of the earth; I know that his commands are obeyed by many millions of men; and I know that he has under his orders an immense army and a considerable fleet; but still, knowing all that, I do not believe, judging from experience, that the power of Russia in aggression, for I say nothing of defence, is that which you might suppose it to be from a mere careless examination of the facts which I have mentioned. What does experience tell us? What has Russia done in those aggressive wars which she has carried on, unaided by our subsidies and by our advice? Let me ask you what she did in the first Turkish war in 1828 and 1829. There never was a war carried on under circumstances of such great advantages upon one side, and disadvantages upon the other. Russia had still in the ranks of her army many officers who had been trained to war in the great European contest which had concluded only thirteen or fourteen years before, and her army was, or ought to have been, in the highest state of efficiency. On the other hand, the Sultan had not very long before destroyed his Janissaries, who had previously constituted the main military strength of the empire; and there had not been time to organise another military force in its place. Besides that, the whole navy of Turkey had very recently been annihilated by what has justly and appropriately been called "the untoward event" of Navarino. Yet, with all these great advantages, was the success of Russia against so weak an enemy as Turkey in that moment of her greatest weakness such as might have been anticipated? We know that it was far otherwise. We know that two protracted campaigns were fought, and that the losses of Russia were something almost exceeding belief. I have been told that in an account of those wars which was written by an officer who took part in them, and who was not unfavourable to Russia, the losses of the Russian forces by the sword and disease were recorded at not less than 200,000 men. My noble Friend who introduced this subject to-night with so much ability has told you truly that the ultimate success of Russia in that war was due, not to the superiority of her arms, but to the ignorance of the Turks at a critical moment of the real situation of the Russian army, which had reached Adrianople, and which, from their want of supplies, was virtually in their power, had they only known their advantage. I will not trouble you with more than a mere

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reference to the Polish war of 1831 and 1832, the Hungarian war of 1849, or to that which has been raging for more than twenty years in the Caucasus, where a mere band of mountaineers, unskilled in military warfare, have set at defiance the whole power of the Russian empire, and have inflicted on them year after year losses of a very serious description. Looking at these things, I cannot estimate the real power of Russia in aggression so highly as many do. Nor do I believe that it can ever be formidable to such Powers as ourselves and France. The reasons of that difference between the real and apparent power of Russia, are, I think, not difficult to understand. It is easily accounted for by the fact that a nation of slaves never can have the energy, intelligence, or wealth of a nation of freemen; and in modern war it is not the mere brute strength of so many millions of men which is really effective. Intelligence, energy, and wealth enter into the conflict more effectually than mere numbers; and that is becoming every day more strikingly true. Let me remind the noble Earl opposite (the Earl of Malmesbury) who seemed to fear, that Russia might become formidable to us even in naval warfare, what a revolution in naval warfare must be produced by the successful application of steam power to ships of the largest size by means of the screw, and how entirely this great change must be to our advantage. When I consider how great is the power of these ships, the cost of their construction, and the skill and science required, both for building them and for using them with effect, and that it is precisely in the resources derived from a wealthy and intelligent population that Russia is most deficient, I for one, can never believe, that she can be formidable in naval warfare to any really civilised nation. But there is also another cause of Russian weakness, which is inherent in their very form of government—I mean that inveterate corruption and peculation which pervade the Russian service, both civil and military, from the very highest to the very lowest grades. Unless we had undeniable evidence of the fact, it would be utterly impossible to believe the extent to which those vices are carried. I saw it stated in a work which has lately been published, with respect to Russia, that the Emperor Alexander, in complaining of the habits of peculation of the public servants, said that he believed

they would steal even the ships of war if they only knew where to put them. It is that corruption and that peculation which even at the present moment are crippling the warlike efforts of Russia, and which are the reasons why disease and death are now decimating the ranks of their army in Moldavia. My Lords, I say that to fear a Power like this is unworthy of us. We are told (and I cannot help alluding to it for one moment, though I do not think it important here, but because undue importance has been attached to it in foreign countries) that we ought to be afraid of Russia on account of our Indian empire. I do believe if ever there were a chimera, it is that notion of a Russian invasion of India. I believe, to begin with, that it is at the very least a twelvemonth's march for any army, with stores and artillery, from any portion of the Russian territory to the Indian frontier. From the losses which we know the Russian armies have invariably met with in far shorter marches, we may form some estimate of what their losses would be in such a march as this. In order to bring to the Indian frontier 100,000 men and 100 pieces of artillery, after allowing for these losses, and for the posts they must establish to keep up their communications, they certainly must start from their own frontier, with a force of not less than three times that amount. I will leave your Lordships to consider, what the expense and difficulty would be of conducting so gigantic an army, and finding supplies for it, on its march through a country like Asia, where roads for wheel carriages hardly exist, and in many parts of which few resources are to be found. I do not believe that Russia would be equal to such an enterprise, even though she were left free to devote her whole strength to it, without having to resist our attacks elsewhere, or to encounter any hostility from the population on the way. But suppose that all these difficulties were overcome, and at the end of I don't know how many months, 100,000 men and 100 pieces of artillery were brought to our Indian frontier; I believe that the noble Viscount who now holds the post of Commander in Chief, and who lately held with great distinction the high post of Governor General of India, would tell us, that there would be no difficulty on the part of the Indian Government, in opposing that force, as it came out of the difficult passes from which it must emerge, with at least double the number of men, and with an artillery

double in number, and far more than double in power and efficiency to that of Russia. I have stated this, because I know that in foreign countries it is sometimes supposed that we have some special and selfish interest in resisting Russian aggrandisement, and that it is fear for our Indian empire which drives us to do so. I am quite certain that that consideration never, for one moment, entered the minds of my noble Friends behind me, and, though I think that they have been wrong in entertaining so much apprehension of Russian power, still I contend that that apprehension relates only to dangers affecting the general welfare of mankind, and of the civilised world at large. But I was arguing, my Lords, that on no ground of claim by Turkey on our sympathies, nor from any fear of Russia, ought our Government to have entered on a course likely to lead to the calamities of war, and impose on the people of this country the necessity of making the sacrifices attendant on a state of war. I do not, indeed, differ from those who think the further extension of Russian influence would be a great evil. I found my opinion, however, not on any fear of Russian power, or on the belief that the extension of her dominions would really add to that power, but because I think that, next to Turkey, Russia is the Power which governs the countries subject to her in the manner least calculated to promote the general welfare of mankind. I deprecate as much as my noble Friend—on that ground and on no other—the extension of Russian influence and Russian territory. But I am prepared to argue that the course which our Government have taken, in allowing Turkey to engage in a quarrel with Russia, in expectation of aid from us was the course most calculated to promote in the end the extension of Russian power in that part of the world. I think sufficient attention has not been paid to the condition of these countries about a year ago, when this dispute first broke out. At that time, if any man had asked what was the real interest of England and the civilised world in the matter, the answer from every person of ordinary discernment would have been, that it was for the interest of the world that the existing state of things should not be disturbed—that a great change was obviously impending—that the present condition of the Turkish provinces was one which in the nature of things could not last very long—that it must be transitory; but

that it was an object of great importance that all violent convulsion and disturbance of that state of things should be, if not finally prevented, at all events deferred as long as possible. A great change has been going on for many years in these provinces. The extension of their intercourse with the more civilised nations of Europe by means of steam navigation, the increase of their commerce, especially since the great reform in our own commercial system, were working a silent but real revolution in those countries. The Christian population was augmenting its wealth, prospering in its trade, increasing in numbers—in short, its position was rapidly altering in every respect, and at no very distant period it would have been capable of taking care of its own interests, and defending itself both against the oppression of Turkey and the not less—perhaps, even more—oppressive, though more interested, protection of Russia. Whatever, therefore, was to be the change, which must eventually take place in the political condition of Turkey in Europe, to defer as long as possible any violent disturbance of that which existed was the obvious interest of the civilised world, because every year that peace could be maintained rendered it more probable that it would be ultimately possible to effect, without the horrors of war, some settlement of these provinces, favourable both to their own welfare and to the general advantage of the world. This was a strong reason for postponing, if not for averting, all hostilities; and I believe that they might have been averted, if not for ever, at all events for a considerable time, if Turkey had accepted Prince Menchikoff's *ultimatum*, and I also think it must be perfectly clear to those who may read the papers before the House that Turkey would have accepted it had she not been taught to expect aid from her allies. The noble Marquess (the Marquess of Clanricarde) claimed great credit for Lord Stratford de Redcliffe for having encouraged the Turks to resist the exorbitant demands preferred by Russia. If it were right that the Turks should be supported in their resistance to Russia, credit is certainly due to Lord Stratford de Redcliffe and the Government for the course which was taken; but my opinion is, that the Turks ought not to have been encouraged to resist the Menchikoff *ultimatum*. Before we decide whether it was right to encourage the rejection of the *ultimatum*, let us

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compare what have been the consequences of its rejection with those which might have been expected to flow from its acceptance. From its acceptance we should, at all events, have gained the incalculable advantage of deferring the disturbance of the existing state of things—peace would have been maintained, and that peaceful progress in improvement which was so great a hope and security would have gone on unchecked. What, on the other hand, would have been lost? We are told that Turkey would have submitted to a great indignity, and have forfeited her independence by giving Russia a right to the divided allegiance of a large portion of her subjects. If Turkey had previously enjoyed substantial independence, if she had been in a position in which it was a great object to preserve her honour and dignity, I would at once admit the force of that argument; but, in the course of the last few months Turkey has been made to drink very deeply of the cup of humiliation from the hands of both Russia and France; and, as to independence, you have shown that she does not possess more than the shadow; and, as to any new rights which would have been given to Russia, I confess I cannot see that any importance can be attached to that argument. Russia had already avowed her claim to the protectorate of the Greek Church. We find by the blue book that as far back as the 5th of December, 1852, Colonel Rose reports that the Russian *Chargé d'Affaires* had—to use the gallant Colonel's expression—damaged his position by alleging that Russia claimed the general protectorate of the Greek Church in Turkey, under the treaty of Kainardji. It is evident, therefore, that by signing the *ultimatum*, Turkey would have given Russia nothing more than, in her own opinion, she already possessed; nor is there any doubt whatever that whenever Russia chose to interfere in the internal affairs of Turkey, she had the power of doing so; and her recent conduct shows that she is not very particular as to the pretences on which she does so. The treaty of Kainardji would have answered every purpose she wished to attain, as well as the *ultimatum* she wished to have signed; and therefore I am persuaded that by signing that Note the position of Turkey would not have been materially altered for the worse. Thus, then, I have shown the advantages and disadvantages which might have resulted from Turkey adopting the Russian *ultimatum*. Now, I beg your



Lordships to compare them with the results of the opposite course which has been pursued. In the first place, I ask your Lordships what has Turkey, what have her allies, and what has the world gained by it? For my own part, I am utterly unable to discover that anything has been gained, except that Turkey has the barren honour of having rejected an unreasonable demand. I am sorry to say it is by no means so difficult to discover what has been lost. On this side of the account the items are, unfortunately, very numerous. In the first place, the commerce and industry of Europe have for many months been deranged and impeded by the apprehension of war, and war has at length actually broken out, accompanied with a frightful loss of life, between Russia and Turkey. In that war it is now probable we are about to be ourselves involved. Already we are incurring some of the inconveniences of warfare in the shape of pecuniary burdens, while thousands of useful hands and arms are withdrawn from productive labour to increase our naval and military forces. This state of things cannot long continue without being followed by a diminution of the comforts and enjoyments of every family in the realm from the highest to the lowest. More than that, the fair prospect arising from the improvement of the Turkish provinces, has been overcast; the Danubian Principalities have been devastated by the march and conflicts of contending armies. Moldavia, Wallachia, and Bulgaria, which were so rapidly rising in wealth, and in which, as is always the case, civilisation followed increasing wealth and increasing commerce, have been delivered up to all the horrors of war. Thousands of the unhappy inhabitants have perished by famine and disease, the property of those who remain has been wasted and destroyed, and a whole generation must pass away before the losses of the last few months can be repaired, even if peace should be restored immediately. Then, what is the case as regards Turkey? In Turkey the slumbering fanaticism of the Mussulman population has been roused into fierce excitement; the warlike efforts she is making must put the final blow to the financial embarrassments under which she has long been labouring—and I think there is no man, however sanguine he may be, who reflects upon the previous condition of weakness—especially financial weakness—in which the Turks were placed, and the

rapid diminution of the Mussulman population which was going on, and the extent to which her resources have been drawn upon for the last few months, but must arrive at the conclusion that the last remaining sands of the hourglass of Turkish existence will run out more rapidly from the shock which the vessel has sustained. Even, therefore, if the storm which has gathered over our heads were now to be dispersed and peace were to be restored, incalculable evil will have followed from the policy of resistance which the Turks, acting under our advice, have adopted. I say “acting under our advice,” because it is impossible to read these papers without seeing that, substantially, the Ambassadors of England and France are responsible for the decision which the Turks came to. I have shown you the evils which have already resulted from the course we have taken; and if the gathering storm were even now to be dispersed, and peace were to be restored to-morrow, a fearful amount of harm has been done; but worse dangers remain behind. What if the Greek population should be induced to revolt? What if they should avail themselves of their present situation to throw off the yoke of Turkey? Should such an event occur, is there any person who does not perceive that the whole character of the war would be immediately altered? Russia, from being a principal, would become an auxiliary. The Turks would then find that their chief and most dangerous enemies were not the Russians, but those whom they call “Christian dogs,” and whom they are accustomed to regard as slaves. They would endeavour to reduce them again to obedience; and, if it were possible for them to succeed in the attempt and again reduce them under her authority, let the House remember that that authority will not be exercised even with as much mildness as has of late years been infused into Turkish rule; the spirit of fanaticism would be awakened, and vengeance would claim its due. The reforms at present in progress would be stopped, and the subject population would in future be governed by the strong hand and in the relentless spirit with which fanaticism revenges and suspicion tries to avert revolt. Could, then, France and England aid Turkey in a war of which this was to be the object? If a Christian insurrection should take place, are you prepared, while Russia is the ally of the Christians, to act as the ally of the Mahomedans and assist in subduing Christians?

Will the people of England and France allow their great power to be used, and the blood of their soldiers and sailors to be shed, in order to bring under the yoke of Mahomedan oppression their fellow Christians in Greece and Turkey? We all know the thing is impossible. If, therefore, such an insurrection should break out, we should have no resource but to abandon, in her greatest need, the Power whom by our encouragement we have induced to enter into a war, and which, if she were deserted by us, could only end in her destruction. This would be the inevitable result of a Christian insurrection. Will any man say that a Christian insurrection is an impossible event? In one of the despatches in the blue-book, Lord Stratford de Redcliffe pointed out in the strongest language how in every quarter, in Roumelia, Bulgaria, and Servia, the danger of insurrection threatens the Turkish Empire. This was a danger which might have been anticipated from the very origin of the dispute, and it is one which, in my mind, constituted the strongest ground for abstaining from all interference. Russia has chosen her ground of quarrel with Turkey with singular skill, in order to make it dangerous for the Turks to resist, or for their allies to aid them. It has obviously been the intention of the Emperor of Russia to create difficulties between Turkey and her Christian subjects while the latter have still many grievances to complain of, and before they have learned that by a few years' more of patience and of steady industry they would have been sure to achieve for themselves a better political position, and better securities of good government, than they are at all likely to obtain by force with the dangerous and interested aid of the Czar. This is evident in the face of the papers before the House, and it is notorious that, from the very beginning of the dispute, Russian gold and Russian intrigues have been employed to arouse the Christian subjects of the Porte to insurrection. The very latest accounts in the public papers show the probability of these efforts being sooner or later attended with success. It is stated that an extensive and dangerous conspiracy has been detected, the object of which was a general insurrection of the Christian population throughout all the provinces of European Turkey, in conjunction with which the Russians were invited to cross the Danube as speedily as possible, with the assurance that they would meet with the support of the Bulgarians.

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It is further stated, that this conspiracy has extended even into the kingdom of Greece, and that the French Government has found it necessary to address a strong remonstrance to the Greek Government to induce it to abstain from entering into the conspiracy. Knowing what I do of the Greek opinion and Greek feelings which have naturally been produced by centuries of oppression and misery, and by the conflict which wrested a portion of Greece from the dominion of Turkey—I think nothing is more probable than that a conspiracy of this kind should extend to the kingdom of Greece, and I believe that the strongest remonstrances of the French Government, even if they were supported by us, would fail to check it. I doubt whether the Greek Government could prevent its subjects from taking part in the conspiracy, if it had the will to do so, and I doubt still more that it has the inclination to prevent them; and I am quite certain that even if it had the inclination, the Greek Government would have the power of doing mischief without committing any overt act which would give us the right to interfere. If, then, a Greek insurrection should take place, the insurgents should be aided by Russia, and could not be resisted by us, there can be no doubt that the Christian population must triumph; and then, I ask those who approve the advice given to Turkey to resist the demands of Prince Menchikoff, from their desire to prevent the extension of Russian influence, what will have been gained by the course we have taken? It seems to me, that so far as we have at present the means of judging of the future, the struggle will probably end in the overthrow of the Ottoman Power, the expulsion of the Turks from Europe, and the formation of a number of petty Christian Principalities, in what are now the Turkish provinces. And with what spirit will the inhabitants of these petty States be animated? They would look on Russia as their ally, and on France and England as the allies of Turkey. They would see that they owed the expulsion of the Turks to Russia, and that it was only a want of power, not any want of will, on the part of the other two Powers, that had prevented them from groaning, perhaps, for another century, under the iron rod of Turkish oppression. But I am willing to suppose that an insurrection does not take place, and that by our aid Turkey is enabled successfully to resist the power of Russia. Then let me ask your Lordships

what is to be the ultimate settlement of the present state of affairs—because I trust Her Majesty's Government will not embark in all the dangers of a foreign war without duly considering what is to be the ultimate result. I say, then, what is to follow, supposing you carry the point of enabling Turkey successfully to resist the aggressions upon her? What is the position in which this country stands? The settlement of the disputes which is looked forward to is one, which is, in my opinion, full of the greatest danger to this country. Turkey is too weak to stand by herself. I have lately read a most remarkable book, the *Travels of Marshal Marmont, Duke of Ragusa*, in which there is a passage which really seems as if it had been written in reference to the present day. The Marshal there discusses the prospects of Turkey, and he points out, in a manner which seems to me quite conclusive, that Turkey never can stand by herself, but that she must rest for support upon one or other of the great Powers—either Russia on the one side, or France and England on the other. If that were true when Marshal Marmont wrote this remarkable chapter, in 1836 or 1837, is it not much more true now that Turkey has been exhausted and weakened by subsequent events, and by the efforts she has made during the last few months? Do you believe it is possible that she can stand by herself? What then do Her Majesty's Government expect to happen when the war is finished? Are you to take her under the joint protectorate of England and France, or are you to let her fall again under the influence of Russia, as she must inevitably do, if you withdraw your assistance? To undertake, in conjunction with France, a protectorate, a permanent protectorate of Turkey, would involve this country in responsibilities and difficulties most dangerous and formidable. If you protect her, you must, of course, more or less direct her affairs for her. Can you take upon yourselves that obligation without taking care that the internal Government of Turkey is not so administered as to add to the difficulties of the task? To show the difficulties this country would be placed in undertaking, in conjunction with France, the task of directing the internal affairs of Turkey, I need but refer your Lordships to the geographical position of that country, its extent, the many races of men inhabiting it, and the conflicting interests which would have to be

attended to. Is it possible that you could safely undertake to direct its measures, in the arduous work of reforming its innumerable and inveterate abuses, and of reorganising the whole state of society, which must be done, if the Ottoman Power is to be maintained? This is a task which must prove beyond your strength, and only disgrace and failure can result from attempting it. Yet I fear from passages I find in these papers, that this is what you contemplate, and it has been my principal object in addressing to your Lordships the observations I have made, to point out to you, that the same views, erroneous as I think them, which have led you to interfere in these transactions, are likely to lead you into this most dangerous course. In the despatch of the 4th of July last, which has already been so often adverted to, Lord Stratford de Redcliffe says—

“Henceforward that extensive empire of which Constantinople is the capital, must in all likelihood either take colour with Russia, or be assimilated to Europe. In the latter case, British influence and interests may be expected to find a widening field for their development; in the former they may be tolerated for a time, but they will probably decline by degrees, and be finally excluded.” [No. 353.]

I hope your Lordships will mark those significant words “British influence.” You know what “British influence” means in the mouth of a diplomatist—it means virtually assuming the direction of the internal government of a country. I do hope and trust that Her Majesty's Government will not allow themselves to be drawn by their diplomatic servants into an enterprise so hopeless and so dangerous as to influence Turkey in the conduct of her internal Government. I am confirmed in my belief that this is what is meant, when I compare this despatch, with more than one from my noble Friend the Secretary of State, in which he points out the necessity of reforms in the laws and government of Turkey, and expresses his expectation, that the Sultan will listen to the advice of our Ambassador on these subjects. We know something in India of what it is to undertake to protect a Native state, and, at the same time, in return for that protection, to claim the right of advising the authorities, or rather the incapable rulers left in the ostensible possession of power; and no one who knows anything of the affairs of India will fail to agree with me that the result of those experiments do not encourage us to try a similar experiment under much greater difficulties in Turkey. Let your

Lordships remember, too, that in India we tried the experiment single-handed. Mark how greatly its difficulties would be increased when we have an ally entitled to an equal participation in it. I have seen too much of the consequences of the great Powers of Europe undertaking, from the best motives, to advise the rulers of ill-governed States, with respect to their internal administration; I have seen too much of the consequences of that sort of interference and that sort of advice, not to entertain the greatest alarm at the most distant prospect of the same thing being entered into with regard to Turkey. The diplomatists of these Powers usually begin to offer their advice upon matters of internal administration, from a sincere desire to correct the evils and gross abuses they see arising in the countries where they are employed, from the folly and incapacity of their native rulers. But though, at first, the welfare of these countries is the only object the Consuls or Ministers have in view, and they act very amicably together, it naturally happens that they do not always agree as to the means by which that object is to be sought; differences of opinion arise, as to the measures which ought to be adopted, and still more as to the persons to be employed, and each man endeavours to recommend his own views to the Government to which he is accredited, and to point out the objections to those of his opponents. But, my Lords, diplomatists, after all, are like other men in their love of power and of having things their own way. It naturally happens that while they all wish for the welfare of the country in which they are stationed, differences of opinion arise as to the means by which that welfare may be best promoted. Each endeavours to recommend his own opinions to the rulers of these States, each endeavours to point out objections to the views of his Colleague, and in process of time, instead of appealing to the rulers of the State, recourse is had to other means. Parties are formed—an English party and a French party, and sometimes a United States party and a Russian party, are led into the matter, each faction being led by the representative of the Government the name of which it bears, each urging forward with party violence its own object and the employment of its own means, and soon involving in these first struggles the country with which each is connected; and in these party strifes the unfortunate country in

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relation to which they take place is torn in pieces. All who know anything of the diplomatic history of the past few years know that I have now given no imaginary picture, but a correct description of what has repeatedly taken place. Let me point to Greece and South America, and I think your Lordships will find that what I have now anticipated with regard to Turkey has been fulfilled to the very letter. If we begin, in conjunction with France, to advise Turkey as to her internal administration, considering what the enormous difficulties are of the questions Turkey has to deal with, that social questions of the first magnitude are involved, that a society will have to be reorganised, if possible, and a new order of things created, I am afraid that our advice to the Turkish Government, however well meant, will not always be acceptable, and that some of those reforms which we might be pleased to dictate, would be utterly unsuited for the state of society in the country in which they are sought to be introduced. Embarrassments of all kinds will then arise, and, knowing what is the nature of diplomatists, and, above all, of English and French diplomatists, I am persuaded that, if we have the good fortune to get over this war, and then attempt to influence Turkey in the manner that seems to be hinted at in the despatch of Lord Stratford de Redcliffe—if this is to be our line of policy—many months will not pass by before that good understanding between this country and France which all have dwelt upon with so much satisfaction will be sensibly impaired. We know what has happened in other instances; we know that the countries which have deputed these diplomatists have always ended by siding more or less with their own representative, and we have seen how easily jealousies and animosities have been engendered. Such are the dangers with which I believe we are threatened by a perseverance in our present policy; and of these dangers the most serious appears to me to be that our present happy relations with France may be interrupted. I will not trouble your Lordships with any further observations. I only wish to direct your attention to this fact, that the very same erroneous views, as I consider them, which first led us to encourage Turkey to enter into the present quarrel with Russia, are too likely, if we do not take care, to carry us into the fatal course to which I have adverted, of undertaking to advise Turkey in her internal administration. It



is that consideration which has induced me to advert, as I have done, to what I conceive to be our original error. I should not have done so else, because I know it is now too late to retrace our steps, so far as regards our original error, and I have no wish to cast censure upon Her Majesty's Government. Though I think they have done wrong in the policy they have adopted, I make all allowance for the difficulties they have to encounter, and for the state of public opinion having led them on perhaps further than they might otherwise have gone. I will here conclude what I have to address to your Lordships. I fear I have taken up far too much of your time; but I trust your Lordships will give me credit for having been induced to do so by no lower motive than a solemn and a painful sense of duty, in circumstances, as I think, of great national peril. I believe that the course we have entered upon, and the course we are about to pursue, is pregnant with future difficulty. I believe that public opinion, that men's minds and feelings, have been too much excited on this Eastern question, and that their better judgment will be a work of time. I have felt it necessary to state the considerations to which I have adverted, and which, in my mind, would make a more pacific policy better for us, better for Turkey, and better for the world. I felt it necessary that those considerations should be fairly stated, and I have ventured to lay them before you at the risk of wearying your Lordships, at the risk of bringing much obloquy upon myself, and of incurring that which I value much more—namely, the disapprobation of many whose opinion I respect. But no consideration of any kind could induce me to withhold from your Lordships the expression of my honest opinion—an opinion I have not, I assure your Lordships, formed without much careful study and deliberation, which I have now only to submit to your Lordships' indulgent consideration.

THE DUKE OF ARGYLL: My Lords, I can assure the noble Earl that there is no Member of this House who entertains a higher respect than I do for the ability with which he uniformly treats any subject he takes in hand; and I may add that there is no one who admires more than myself the courage and fortitude with which, on all occasions when his public duty calls upon him to do so, he undertakes the defence of opinions which he knows to be unpopular not only in this House, but in the country. But, my Lords,

differing, as I venture to do, with all respect to the noble Earl, from the conclusions at which he has arrived, I heartily rejoice that his speech has been delivered in this House, because, although I differ from the conclusions to which he has come, I think it must be admitted, upon all sides of the House, that he has stated a great many facts, and has adduced a great many considerations which must have influenced the deliberations of the Government in the course which it has been their duty to pursue; and I may add, that from those facts and from those considerations I conceive it is possible to deduce the strongest argument in favour of the policy which the Government have pursued from the commencement of this dispute. The noble Earl has given us his opinion as to what we ought to have done in the dispute between Russia and Turkey:—but he has not stated that it was our duty to have allowed Turkey quietly to be swallowed up by Russia. If I understood the noble Earl aright, he confined his opinion to this more limited proposition, that, as regards the *ultimatum* of Prince Menchikoff, it would have been a lesser evil for Turkey to have allowed herself to be forced into the acceptance of that note, than to have incurred the risk of war; and he seemed to impute blame to Her Majesty's Government for having supported Turkey in the rejection of that particular arrangement. Now, in the first place, I must remind the noble Earl that, although he may have inferred from the papers that Lord Stratford de Redcliffe, or the French Ambassador, or any other Ambassador, had influenced the judgment of the Porte in that important transaction, he is not justified in holding any such idea, because it is not strictly the fact. We gave no counsel whatever to the Porte on that occasion; nay, so far is it from being true, that the noble Earl, if he looks carefully into the papers, will find it there stated, that the four Ambassadors in Constantinople were called together—probably by Lord Stratford de Redcliffe—with the special view of determining what advice they would give to the Porte; and that they came to the conclusion that the question was one so nearly affecting the dignity and independence of the Porte, that the Porte itself, and the Porte alone, should decide upon it. Therefore, my Lords, I beg to remind the noble Earl, this House, and the country, that for the rejection of the *ultimatum* of Prince Menchikoff, we are not officially responsible. But really the merits of this

Lordships remember, too, that in India we tried the experiment single-handed. Mark how greatly its difficulties would be increased when we have an ally entitled to an equal participation in it. I have seen too much of the consequences of the great Powers of Europe undertaking, from the best motives, to advise the rulers of ill-governed States, with respect to their internal administration; I have seen too much of the consequences of that sort of interference and that sort of advice, not to entertain the greatest alarm at the most distant prospect of the same thing being entered into with regard to Turkey. The diplomatists of these Powers usually begin to offer their advice upon matters of internal administration, from a sincere desire to correct the evils and gross abuses they see arising in the countries where they are employed, from the folly and incapacity of their native rulers. But though, at first, the welfare of these countries is the only object the Consuls or Ministers have in view, and they act very amicably together, it naturally happens that they do not always agree as to the means by which that object is to be sought; differences of opinion arise, as to the measures which ought to be adopted, and still more as to the persons to be employed, and each man endeavours to recommend his own views to the Government to which he is accredited, and to point out the objections to those of his opponents. But, my Lords, diplomatists, after all, are like other men in their love of power and of having things their own way. It naturally happens that while they all wish for the welfare of the country in which they are stationed, differences of opinion arise as to the means by which that welfare may be best promoted. Each endeavours to recommend his own opinions to the rulers of these States, each endeavours to point out objections to the views of his Colleague, and in process of time, instead of appealing to the rulers of the State, recourse is had to other means. Parties are formed—an English party and a French party, and sometimes a United States party and a Russian party, are led into the matter, each faction being led by the representative of the Government the name of which it bears, each urging forward with party violence its own object and the employment of its own means, and soon involving in these first struggles the country with which each is connected; and in these party strifes the unfortunate country in

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relation to which they take place is torn in pieces. All who know anything of the diplomatic history of the past few years know that I have now given no imaginary picture, but a correct description of what has repeatedly taken place. Let me point to Greece and South America, and I think your Lordships will find that what I have now anticipated with regard to Turkey has been fulfilled to the very letter. If we begin, in conjunction with France, to advise Turkey as to her internal administration, considering what the enormous difficulties are of the questions Turkey has to deal with, that social questions of the first magnitude are involved, that a society will have to be reorganised, if possible, and a new order of things created, I am afraid that our advice to the Turkish Government, however well meant, will not always be acceptable, and that some of those reforms which we might be pleased to dictate, would be utterly unsuited for the state of society in the country in which they are sought to be introduced. Embarrassments of all kinds will then arise, and, knowing what is the nature of diplomatists, and, above all, of English and French diplomatists, I am persuaded that, if we have the good fortune to get over this war, and then attempt to influence Turkey in the manner that seems to be hinted at in the despatch of Lord Stratford de Redcliffe—if this is to be our line of policy—many months will not pass by before that good understanding between this country and France which all have dwelt upon with so much satisfaction will be sensibly impaired. We know what has happened in other instances; we know that the countries which have deputed these diplomatists have always ended by aiding more or less with their own representative, and we have seen how easily jealousies and animosities have been engendered. Such are the dangers with which I believe we are threatened by a perseverance in our present policy; and of these dangers the most serious appears to me to be that our present happy relations with France may be interrupted. I will not trouble your Lordships with any further observations. I only wish to direct your attention to this fact, that the very same erroneous views, as I consider them, which first led us to encourage Turkey to enter into the present quarrel with Russia, are too likely, if we do not take care, to carry us into the fatal course to which I have adverted, of undertaking to advise Turkey in her internal administration. It

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THE DUKE OF ARGYLL: My Lords, I can assure the noble Earl that there is no Member of this House who entertains a higher respect than I do for the ability with which he uniformly treats any subject he takes in hand; and I may add that there is no one who admires more than myself the courage and fortitude with which, on all occasions when his public duty calls upon him to do so, he undertakes the defence of opinions which he knows to be unpopular not only in this House, but in the country. But, my Lords,

differing, as I venture to do, with all respect to the noble Earl, from the conclusions at which he has arrived, I heartily rejoice that his speech has been delivered in this House, because, although I differ from the conclusions to which he has come, I think it must be admitted, upon all sides of the House, that he has stated a great many facts, and has adduced a great many considerations which must have influenced the deliberations of the Government in the course which it has been their duty to pursue; and I may add, that from those facts and from those considerations I conceive it is possible to deduce the strongest argument in favour of the policy which the Government have pursued from the commencement of this dispute. The noble Earl has given us his opinion as to what we ought to have done in the dispute between Russia and Turkey:—but he has not stated that it was our duty to have allowed Turkey quietly to be swallowed up by Russia. If I understood the noble Earl aright, he confined his opinion to this more limited proposition, that, as regards the *ultimatum* of Prince Menchikoff, it would have been a lesser evil for Turkey to have allowed herself to be forced into the acceptance of that note, than to have incurred the risk of war; and he seemed to impute blame to Her Majesty's Government for having supported Turkey in the rejection of that particular arrangement. Now, in the first place, I must remind the noble Earl that, although he may have inferred from the papers that Lord Stratford de Redcliffe, or the French Ambassador, or any other Ambassador, had influenced the judgment of the Porte in that important transaction, he is not justified in holding any such idea, because it is not strictly the fact. We gave no counsel whatever to the Porte on that occasion; nay, so far is it from being true, that the noble Earl, if he looks carefully into the papers, will find it there stated, that the four Ambassadors in Constantinople were called together—probably by Lord Stratford de Redcliffe—with the special view of determining what advice they would give to the Porte; and that they came to the conclusion that the question was one so nearly affecting the dignity and independence of the Porte, that the Porte itself, and the Porte alone, should decide upon it. Therefore, my Lords, I beg to remind the noble Earl, this House, and the country, that for the rejection of the *ultimatum* of Prince Menchikoff, we are not officially responsible. But really the merits of this

question do not depend upon the reading of that note, or upon the balance of advantage between its acceptance and its rejection. The noble Earl commenced his speech by observing that he concurred with all previous speakers as to the conduct of Russia in this dispute. The noble Earl will not deny that Russia had no right to exact the Menchikoff *ultimatum* from an independent Power; and the real question, therefore, comes to be this—whether you, as one of the great family of European nations, are to allow a weaker nation to be trodden under foot by a stronger, even though the result be not in itself injurious to your interests. I concur in the opinion expressed by the noble Earl, that the great object of the Government ought to have been to maintain the *status quo* in Turkey. I agree with him in thinking that every means ought to have been used to avert the calamity of war; though I must say, in passing, that the noble Earl is hardly justified in concluding that the progress of the Greek or Christian population in European Turkey would not have been seriously retarded by the new and more entangled diplomatic relations which were sought to be established between Russia and Turkey. I believe that the great promoter of internal improvement in Turkey has been the distinguished individual so often mentioned in the course of the debate—Lord Stratford de Redcliffe; and I am afraid we may safely say that the influence of the Russian mission at Constantinople has not been directed to secure the advancement of the Christian population, but that, on the contrary, Russia has been long pursuing that course of policy which is betrayed in her celebrated despatch known to all your Lordships—a policy of jealousy lest the Christian population of Turkey should rise and erect themselves into an independent State. My Lords, I contend that if Russia had succeeded in fixing upon the Porte new and more entangled diplomatic engagements, she would then have secured the power of perpetual interference with the internal affairs of Turkey, and would have proved a perpetual check to the natural progress of the Christian population. But, my Lords, it is perfectly true that the dangerous internal condition of the Turkish Empire was a consideration which we were bound to have in view; and I may state that it was that consideration, in addition to those of general duty and of Christian principle, which have been so eloquently referred to this evening, which induced us to endea-

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vour by every means in our power to avert the necessity of war. I have no doubt that even the noble Earl himself will admit—whatever may be his opinion as regards the policy of this country not interfering, in any event, between Russia and Turkey—that, practically, that was not a policy which came within our power to adopt. I believe that public opinion—and in this, I confess, I think public opinion was right—would not have tolerated such a policy. It was not a policy, therefore, which we had it in our power to follow; and really, I think the issue before the House is this, whether we would have better secured the continuance of peace by what some noble Lords have called more energetic action. And here, my Lords, I must be permitted to say that I do think there has been a singular want of consideration for some of the obvious facts of the case. The noble Marquess who began the debate and the noble Lord the late Secretary for Foreign Affairs have totally omitted to draw a distinction between the period of time when the Holy Places question was not yet settled, and that period of time when that question was no longer the subject of dispute, but had given place to other and more serious demands; and not having drawn that distinction, they seemed inclined to impute it as a fault to the Government that their policy at the commencement of this dispute was not exactly identical with that of France. Now surely the House will recollect that in the Holy Places question it was not our duty or our policy to identify ourselves wholly with France. The cordial union that now exists between the two Governments, not only with regard to our present, but also with respect to our past policy, does not make this a delicate question at all. I have no doubt that if any noble Lord chooses to ask the French Government, it will readily acknowledge—I have reason to believe, indeed, that it has already acknowledged—that in the earlier stages of this discussion—when the policy, the interests, and the honour of France, as they conceived, were implicated in the question of the Holy Places—it was no part of our duty, as one of the great family of European nations, to identify ourselves with France; it was rather our duty to stand between the two rival Powers, acting solely and alone in the interest of peace. My Lords, I am the more surprised that the noble Earl the late Secretary of State for Foreign Affairs should have objected to this portion of our policy, because I find in



one of the earlier papers submitted to your Lordships a despatch from the noble Earl himself, in which he lays down most distinctly the principle we have adopted. He addresses the Ambassador at Constantinople, and says, "With regard to the question of the Holy Places, we have nothing to do with it." But, my Lords, what is the inference we draw from this fact? It is, that it was impossible, so long as that question remained unsettled, to assume the same identity of policy with France in regard to affairs in the East which we were subsequently enabled to do. I beg to call the attention of the House to another most important fact. The internal weakness of Turkey, arising from the disorders which all will admit exist in the Government, was seriously aggravated by the movement around the Empire of great hostile fleets and armies, which were put in motion, on the one hand by Russia, and on the other by France, with reference to the question of the Holy Places; and I am quite certain that if your Lordships will look back and place yourselves in the position in which we were placed at the beginning of these complicated and, I am afraid, most dangerous questions, you will heartily agree in the policy and wisdom of the instructions addressed by Lord John Russell to our Minister at Constantinople—which you will find in an early page of the first volume of the blue-book—directing him to deprecate the movement of hostile fleets and armies, which produced the most imminent danger to the Turkish Empire. Now, I contend that those two considerations of policy—first, our separation to a certain extent from France so long as the question of the Holy Places remained unsettled; and, secondly, our declared opinion that it was imprudent in the highest degree to move hostile fleets and armies before it was necessary—explain our policy for refusing to send our fleet immediately to the Dardanelles. There is another point which, I think, has not been fairly dealt with in the course of this debate. The noble Marquess who began the discussion referred with great triumph to the message which had been sent by Colonel Rose to Admiral Dundas, to induce him to move the fleet. It is true that Colonel Rose sent for the fleet; but if the noble Marquess wished to state with accuracy the whole of the transaction, why did he not mention a fact which he would have found in the blue-books—namely, that within six days after Colonel Rose sent for the fleet he despatched another

message to the effect that he did not require it? I want to know why neither the noble Marquess nor the noble Earl (the late Secretary of State for Foreign Affairs) ventured to mention that circumstance—surely an important one in the history of these transactions? My Lords, I now proceed to another step in this dispute. Supposing that Colonel Rose's request had been complied with—supposing it had been consistent with the policy of the Government at that time to move the fleet—what is the argument which is intended to be founded upon this? Do noble Lords really mean to contend that the movement of the fleet from Malta would have prevented the occupation of the Principalities by Russia? Let us look a little more closely at the dates of this question. The question of the Holy Places was not finally settled until the 25th of April. I think Lord Stratford de Redcliffe wrote to the Government on the 24th or the 25th of April, that the Holy Places question had been finally settled. There was, therefore, a clear field for a junction between England and France in resisting the ulterior project which was after that time disclosed by Prince Menchikoff. That despatch did not reach England till the 9th or 10th of May. During the interval which elapsed between the 9th and the 22nd of May, on which day Prince Menchikoff took his departure from Constantinople, the Government received repeated despatches from Lord Stratford de Redcliffe, declaring that the question was still a moral question—that there was no danger of immediate violence on the part of Russia—and that under those circumstances he thought diplomatic intrigues ought to be met by diplomatic means, the more especially as it would be imprudent for the Government of Turkey to bring down upon the Turkish Empire the immediate resentment of the Emperor of Russia. Lord Stratford de Redcliffe also stated that it would be imprudent for us to take an hostile or an offensive attitude towards Russia at that time. But on the morning of the 28th of May, my noble Friend the Secretary of State for Foreign Affairs heard by telegraph of the departure of Prince Menchikoff from Constantinople. Almost immediately after the receipt of that news, before we knew even the circumstances connected with Prince Menchikoff's departure—before we knew whether those circumstances had been of a threatening nature or not—a decision of the Cabinet was come to, and the fleet was placed

at once at the disposal of Lord Stratford de Redcliffe. On the 31st of May, the despatch placing the fleet at the disposal of Lord Stratford de Redcliffe left London; and it is a remarkable circumstance, my Lords, that on the very same day—the 31st of May—the Emperor of Russia was finally committed to the proposals of Prince Menchikoff by the occupation of the Principalities. Noble Lords seem to argue that if the fleet had been moved before that date, the occupation of the Principalities would have been prevented. Why, if the fleet had been moved, you would have enabled Russia to say justly—if that term can be applied in such a case—that the movement of her armies into the Principalities had been in consequence of our movement of the fleet. Even as it is, Russia makes that assertion; but by the course we adopted, her conduct is entirely without vindication. But, my Lords, there is no reason to believe that the movement of the fleet would have had any other effect than that of hastening the military operations of the Emperor of Russia, of increasing his jealousy of the Western Powers, and of giving him just reason to suppose that our own interest, and not that of Turkey, was the object we had at heart. Some people talk as if the Pruth were a navigable river, and as if a fleet could be sent there to prevent the Russians entering the Principalities. I need not say to your Lordships that nothing could be more absurd than such a notion. The object of moving the fleet never could have been to prevent the occupation of the Principalities; but the presence of the fleet in the neighbourhood of Constantinople was, first of all, a general intimation to the Emperor of Russia that the Western Powers were watching his policy, and were determined to maintain the territorial integrity of the Ottoman empire; and in the next place, it was an actual defence as regarded any certain attack upon Constantinople. I contend, therefore, looking back and viewing these transactions in the light of history, that the course pursued by the Government was sound policy.

My Lords, I pass now to another branch of the subject—to the diplomatic division. The noble Marquess who began the debate referred to the opinion which he said was generally held, that we have mismanaged the diplomatic part of the business in this important respect: that an offer has been made to Russia, after she has been guilty of the most flagrant violation of the law

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of nations, of the renewal of those treaties which have been the moving cause and occasion of her interference with Turkey. Now, let us look a little more closely into this matter than I believe has been commonly done, either in this House or the country. What is meant by a renewal of the treaties between Russia and Turkey? The objection, I apprehend, lies chiefly to the religious protectorate which those treaties are supposed to give to the Emperor of Russia. Now, no one contemplates even as a result of war the recovery on the part of Turkey of any of the great provinces which in the course of centuries have been wrested from her; but it is contemplated by many that Turkey will free herself from all existing engagements with regard to the management of her own internal affairs. Those who contend for the absolute independence of Turkey maintain that it is inconsistent with such independence to engage in any treaty with regard to her conduct towards her own subjects. I entreat the House to bear in mind where such an argument will lead us. It is true that there may be a very serious danger of a rising of the Christian population in Turkey. Do you think you will diminish that danger—do you not think you will aggravate it in a tenfold degree—if you hold out to this Christian population no hope that you will extract from that Government which has so long oppressed their rights and privileges, not only as regards their spiritual condition, but also as regards their lives and property—do you think you offer them any inducement to take part with you in resistance to Russian aggression if you hold out to them no hope of being secured, by the intervention, if necessary, of the other European Powers, in all those privileges which Russia affects to be anxious to secure to them? I conceive that the most suicidal policy which this country could pursue in the present dispute would be to enter into a war with Russia, in favour of Turkey, without securing from Turkey some promise or engagement in reference to this most important question, the future treatment of the Christian subjects of Turkey by the Porte. The noble Marquess who commenced this debate, and several other noble Lords, have passed eulogiums on the noble Lord our Ambassador at Constantinople. I agree in every opinion that has been expressed as to the very great ability and knowledge of the subject with which he has conducted the whole of those very difficult negotiations,

and I entreat the country and the House to give weight to the words which he uses in one of the very last despatches that have been laid upon the table of the House. I entreat the attention of your Lordships to those words. In the last reply given by the Turkish Government to the last proposal of the Western Powers, you will find that Reshid Pacha concluded his note by formally asking that Turkey should be admitted into the community of European nations, and its rights guarded by international contracts and the general law of nations; and I beg to call your Lordships' attention to the answer that was given by Lord Stratford de Redcliffe in this passage. He says—

“I am further of opinion that with a view of the condition of the non-Mussulman communities in this Empire, and the development of those resources on which the Porte's independence must ever mainly rest, it would not be safe to hedge round the Ottoman Empire with European guarantees unless the Porte engages, at the same time, to realise and extend their system of improved administration in good earnest.”—[No. 396.]

This is the formal opinion of Lord Stratford de Redcliffe, that it would not be safe to give any guarantee to Turkey on the part of the Western Powers, unless Turkey entered into an engagement with reference to what is pointed out; and who can doubt that what are aimed at by Lord Stratford de Redcliffe are the privileges and immunities of the Christian subjects of the Porte? Is it true, as a matter of historical fact, that it is inconsistent with the independence of the Government of Turkey to require any such pledge? It is a remarkable fact that by the very treaty which is supposed to contain the seeds of the greatest dangers to Turkey—the treaty of Carlowitz, concluded in 1669—gives a similar promise to Austria. That was not the period of the decay of the Turkish Empire; it was in the plenitude of her power that Turkey voluntarily agreed to give a solemn promise, and to enter into a diplomatic contract with the German Powers on the subject of the rights and privileges of the Christian subjects of the Porte. And I think we were fully justified, and not only fully justified, but bound by every consideration of duty and policy, to include amongst the stipulations on which it was reasonable and proper for Turkey to conclude a peace—a stipulation on behalf of the religious privileges of those of her subjects who are of the Christian faith. I shall not enter into a consid-

eration of the means by which effect should be sought to be given to those privileges. The noble Earl having entered at length into the history of the Vienna Conference, I will say that we are not ashamed of that note. I agree with my noble Friend (the Earl of Clarendon) that there is nothing in the terms of the note which affect the Government with respect to the policy they have pursued, and there is nothing in the circumstances attending the giving up of the note of which the Government had reason to be ashamed. The object of the Vienna note did not depend upon the wording of it. The entire question, with regard to the terms of that note, have reference to one particular omission. In the original Menchikoff note the words “*ab antiquo*” were included. In the Vienna note “*ab antiquo*” was erased, and “*spiritual*” was inserted, and we therefore preferred to stand on the terms of the Vienna note. As regards the mere words of the note, I maintain that every one of them is perfectly defensible, and if it were consistent with the time of your Lordships, I should go into them at length, for the purpose of proving it; but now I shall only say that I agree with every word of my noble Friend behind in which he defends the original text of that note. I am anxious before I sit down to say a single word. I have observed with some regret, on the part of some of those who have taken part in the debate, a tendency to join in a cry, most unjust and unfair, which has been directed by a portion of the public press against my noble Friend at the head of the Government in particular. I think those attacks unjust and unfair, because my noble Friend at the head of the Government is not singly or solely responsible for the policy that has been adopted. But I believe those attacks my noble Friend can well afford to pass by wholly unnoticed; and if, after a long public life spent—and not unsuccessfully spent—in endeavouring to preserve the peace of the world, as that of my noble Friend has been, and to prevent the sparks of national jealousy from extending and breaking into the flames of war—if, after such a course, he finds himself at the head of a Government charged with the conduct of a contest that may be a very great one—if, after such a course, my noble Friend cannot escape such attacks, he has at least the satisfaction of knowing that his Government has done everything in its power to avert war, and when he has at

length found himself compelled to enter into war, it is a war into which this country has been urged by no selfish interest and no evil passion.

THE EARL OF DERBY: My Lords, I promise your Lordships I shall not detain you long, and I do so the more readily because I think, after the discussion that has taken place, that little of a practical nature remains for discussion, or any question admitting of decision by the House. But I feel that some observations have fallen from the noble Duke which call for some reply from those who do not altogether share in his views—very natural as they are—of the policy and of the skill with which those diplomatic relations have been conducted, and the question brought to its present issue. I think it must be gratifying to the noble Earl (the Earl of Aberdeen), whose defence the noble Duke undertook at the close of his speech, and it must be a somewhat agreeable surprise to that noble Earl to hear himself charged with not being sufficiently pacific. The noble Earl was charged by a noble Lord on the lower bench with having indulged too much in the spirit of war, and with not being sufficiently pacific, and I see the noble Earl accepts the compliment, and is somewhat penitent that he has not done more to preserve the peace of Europe. The noble Earl might have done more, I admit, than he has done to preserve the peace of Europe, but he should have done it in a very different manner from that which has been adopted. My noble Friend on the cross benches (Earl Grey) has made an eloquent statement and delivered a very eloquent declamation on the horrors of war, and the blessings of peace, which no person is contesting, and he compared the noble Earl and Her Majesty's Ministers to Walpole, without his little peccadilloes, or his parliamentary corruption, from which they are all free. My noble Friend, said the noble Earl, was another Walpole under a Ministry of peace—not the warlike Minister which another noble Lord considered him to be, and which the noble Earl seemed disposed to consider himself to be—my noble Friend said the noble Earl was another Walpole; but more successful and happy in the issue. And then, said my noble Friend on the cross-benches, if a different course had been pursued—if you had prematurely gone to war, and used violent language and taken violent measures—the country would have been plunged into the hor-

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rors of war, from which the successful diplomacy of the noble Earl and his Government have preserved it. But if they have not preserved the country from the horrors of war, where is the truth of the eulogium which the noble Lord has passed on the noble Earl opposite? He says, had not the noble Earl been successful in his diplomacy, we should have been plunged into war. But where are we now? Are we plunged into war or are we not? If we are not at war, I confess it looks something very like it. The noble Earl the Secretary of State for Foreign Affairs is too cautious in his language in this respect to tell us whether we are at war or at peace. He says it is a very natural question we ask, and he informs us, most truly, that it is not very easy to give a distinct answer to it. He says, we certainly are not at war—we certainly cannot be said to be at peace, says my noble Friend; and he says also that, when we consider the course of the negotiations, and what has taken place in the Black Sea, and the passage of our fleet there, we cannot be supposed to be entirely neutral. I want to know what is the state of the country, when we are neither at peace nor at war, nor neutral? My noble Friend has given us a new phrase in Parliamentary or diplomatic language; we are not at war, nor at peace, and we are not neutral, but we are drifting towards war. My Lords, I think we are drifting towards war, and drifting very fast towards it. When we are sending out the most powerful fleet that England ever equipped to the Baltic—when we have another fleet in the Black Sea—when a considerable detachment of troops are to land some way or other in a foreign country, I suppose not for very pacific purposes, I think the symptoms are very strong that we are drifting somewhat rapidly towards war. No information having been given to us of the grounds on which the noble Earl—the warlike Minister of this country—founds his hopes of maintaining peace, I must come to the conclusion that a fortunate result to the Walpolean policy has not been arrived at, and that they have landed this country into a war. The question really is not whether peace in the abstract is desirable, or whether Government is to be charged for having used every effort to maintain peace. As long as they endeavoured with honour, and a due regard to the interests of the country, to maintain peace, every man must commend them for



using every exertion for the preservation of peace; but they must tell us whether the course they pursued was likely to effect that object. On that subject I concur in the opinion which was expressed in the month of July last by one in whose praise the House has been unanimous—to whose praise I can add nothing, except my cordial concurrence in every word that has been said in laudation of his discretion, firmness, and judgment, and whose opinion, I suppose, will be received with respect by Her Majesty's Ministers. I concur with Lord Stratford de Redcliffe in thinking that—

“Our intense anxiety to maintain peace, notwithstanding the progress of circumstances prejudicial to its continuance, though derived from our best feelings, may eventually go far towards frustrating the object, without preventing the occurrence of a war.”

In the month of July last, Lord Stratford de Redcliffe used this language :—

“In no direction is the prospect a cheering one. Negotiation, if not in despair, appears to be at fault; and, should a resort to force be unavoidable, the struggle must necessarily be sharp and the issue uncertain. In any case, nothing can be worse than a hesitating, uncalculated course. It is, no doubt, a misfortune for Europe to be dragged, when least expecting it, to the verge of an arena from which it is difficult to recoil, and upon which it is almost impossible to enter with any limitation of consequences. But let it be remembered that an evil which is postponed or evaded is liable to recur with more inconvenience and danger at no remote period, and that, by venturing at once to look it in the face, we afford ourselves the best chance of viewing it in its true proportions, and employing the most judicious means for its correction.” [No. 358.]

My noble Friend the Secretary of State for Foreign Affairs expressed great satisfaction that this subject should have been brought on for discussion; but at the same time he regretted that my noble Friend the noble Marquess, who has entered into a most able and eloquent analysis of those papers, should have felt it necessary at this moment to disparage the conduct of Her Majesty's Government. No doubt it would be a very agreeable mode if the discussion of public papers involving two large volumes and the whole of the conduct of the Government, were to take place, subject to this provision, that no person who takes part in the discussion should say a word to disparage Her Majesty's Government; but if the noble Earl thinks that such a doctrine should be held, I cannot join with him in the opinion that he expressed, that it would be necessary to

bring the subject before Parliament at all. The noble Earl the Secretary of Foreign Affairs, in another part of his speech, says it is easy to have an *ex post facto* wisdom and to judge of events after their occurrence; but, he says, put yourselves in the position we were in at the particular time, and then say whether we were to blame or not. Now, my Lords, I will follow that course. I will call the attention of the House to the intimation which we received on the 25th of April last, at which period the noble Earl assured the House that there never was the slightest apprehension of any disturbance on the side of Russia, and that the peace of Europe was subject to no risk from that quarter. On what did the noble Earl found the assurance then given to the House, that there was no apprehension of a disturbance of the peace of Europe on the side of Russia? The assurance was given by the Russian Government so repeatedly and constantly that it was impossible for him to admit into his mind a moment's hesitation of their complete veracity. But the question is not whether the Government received those assurances from Russia, but whether the facts of the case, detailed in the reports of their various Ministers, coincided with those pacific assurances and declarations. I shall bring very shortly under the notice of the House the information of which the Government was in possession on the 25th April, when the noble Earl assured us there was no apprehension of any disturbance of the peace of Europe on the side of Russia. I will not go back to an earlier period further than to say, that from the very moment of the change of Administration, by which the noble Earl's colleagues took office—from that moment, and I believe in one instance before that time, intimations were given to the Government, that, for the promotion of its objects, military forces were preparing on the part of Russia. That information was given so early as the 6th of January, and again on the 7th and 8th of January. On the 6th of January, Sir George Seymour says:—“I believe that measures have been taken by the Russian Government to ensure that the 5th *corps d'armée* shall be placed in a state of actual service.”—[THE EARL OF CLARENDON: That arrived here on the 19th.]—On the 7th of January there came an account of the amount of the force that was preparing to move, and again on the 8th of January Sir George Seymour writes that that was all that

Count Nesselrode could tell him—of the extent of those armaments Count Nesselrode was not prepared to speak with certainty—that orders were given to the 5th corps to advance to the frontier of the Danubian provinces without waiting for their reserves; and that directions had been issued to the 4th corps to hold itself in readiness; and his Excellency Count Nesselrode expressed his belief that affairs would be brought to a satisfactory conclusion if efforts were used in Paris and Constantinople to advocate the rights which his Government claimed, and to discountenance the pretensions of the French Cabinet. Again, on the 7th of April, there was a similar notice as to the preparations made for war and the movement of troops; and though Count Nesselrode did not then feel at liberty to give to Sir George Seymour any assurance respecting the military preparations, he did not hesitate to declare that the negotiations at Constantinople would be brought speedily to a happy conclusion. From January, then, to April the Government had this information, accompanied by the declaration of Sir G. Seymour, on more than one occasion, that the answers of Count Nesselrode on the subject were evasive to the last degree. You had, also, from Colonel Rose, and from your consuls in the neighbourhood, notifications that the Russians were concentrating upon the frontier, or were evidently to be moved upon the frontier, and ready to cross the frontier at a moment's notice. At pages 60 and 61 you will find one of those warnings. On the 13th of January, Sir G. Seymour writes:—

"Just as the messenger Ball is about to start for Berlin, I have learnt upon good authority that the head-quarters of the 4th corps *d'armée* had been moved, before the late disputes with the Porte had reached their actual stage, from Kieff to Kamenetz, situated close to the southernmost point of Galicia. The 4th corps likewise is, I should observe, already in a state fitted for efficient service (*sur pied de guerre*). As to the 5th corps, of which I have spoken in various despatches, although its head-quarters are Odessa, several regiments forming the right wing of the army are scattered throughout Bessarabia; so that, as your Lordship will at once perceive upon looking at the map, a very slight advance either of the 4th or 5th corps would bring the Russian forces within the Moldavian frontier." [No. 71.]

To this Her Majesty's Secretary of State (Lord J. Russell) replied, that he felt a sanguine hope that the wisdom of the Emperor would induce him to refrain from his warlike steps; and, notwithstanding all

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the information he received, the noble Lord still expressed his belief that that hope was well founded. Not only had the Government notifications of the preparations for war, but the language of Russia was constantly couched in a corresponding tone. The noble Earl opposite (the Earl of Clarendon) succeeded to office in December, 1852, and Sir G. Seymour wrote to say that a remarkable change had taken place in the tone and manner of the Russian Ministers. On the 13th of January Sir G. Seymour wrote:—

"That since the question of the Holy Places had been noticed by the Russian Minister to the Earl of Malmesbury, it had assumed a new character; that the acts of injustice towards the Greek Church, which it had been desired to prevent, had been perpetuated, and consequently that now the object must be to find a remedy for those wrongs; that the success of the French negotiations at Constantinople was to be ascribed solely to intrigue and violence—violence which had been supposed to be the *ultima ratio* of kings, being, it had been seen, the means which the present ruler of France was in the habit of employing in the first instance."

And Sir Hamilton Seymour further stated that Count Nesselrode said that—

"When His Majesty's resolution is finally taken it will be made known to Baron Brunnow, who is desired to communicate with your Lordship, and to obtain the approbation of Her Majesty's Government to the steps about to be taken by the Emperor for securing his acknowledged rights." [No. 69.]

What I wish to show is, that the language of Russia was over and over again the same, and it showed that it was determined to carry out the objects it had in view, and the only difficulty which it saw in its way was, as has already been stated, the union, which it hoped would not long exist, between the English and French Governments; that in these notes their hostile intentions towards Turkey—or, rather, its violent intentions—constantly coupled with assurances of confidence in the intentions of Her Majesty's Government, and with repeated attempts to sow dissensions between the English and French Governments, as the union of the two Governments would, it was felt, render success uncertain. The noble Duke opposite had reminded the House that their Lordships ought to draw a distinction between the course of proceedings as between England and France in the earlier period of the transactions and that pursued at a later period. I admit the propriety of the distinction drawn by the noble Duke, as far as relates to the time at which the question was confined merely to that of the Holy

Places; because not only the present but the preceding Government had declared their opinion, that so long as the question was confined to a dispute as to the Holy Places, so long as there was no object requiring the interference of England, so long Her Majesty's Government was determined to hold themselves aloof from the dispute, except so far as the dispute might in any way affect the interests of this country. But then that question assumed a very different aspect when the subject of the dispute of the Holy Places was to be settled, not by diplomacy, but by the collection of troops upon the Turkish frontier. And under these circumstances it was that so early as the 28th of January M. Drouyn de Lhuys, through the French Ambassador, had called the attention of the British Government to the necessity of there being a perfectly correct understanding of the respective positions of the two Governments, the necessity of a good understanding between England and France, and for concerting measures, not for the purpose of settling the question of the Holy Places, but for the purpose of opposing a successful remonstrance to that threatened measure of war on the part of Russia, indicated by the constant collection of troops near the Turkish frontier. And that I am not misrepresenting the views which were taken of the question at the time will be found from a declaration already quoted of the noble Lord the Secretary for Foreign Affairs, to the effect that, at that time—the 29th of January—he saw cause for thinking that it was absolutely necessary that the two great Powers should understand each other, and that he would take into his immediate consideration the measures in consequence. What, then, becomes of the argument of the noble Duke, that until after the mission of Prince Menchikoff the English and French Governments had acted separately and alone, and that the question of the Holy Places only was in discussion, when his own Colleague acquiesced in the view of M. Drouyn de Lhuys of the 29th of January, that it was absolutely necessary that England and France should act in accordance with each other, not, undoubtedly, for promoting the views of France with respect to the Holy Places, but for the purpose of providing against a contingency which they expected might arise from the course pursued by Russia? Now, I am told that there was no end of assurances from Russia—such assurances, indeed, as it was impossible to

doubt—that there was but one object, and one alone, which Russia had in view. Now, I do not wish to defend the course taken by Russia. I cannot defend the course of proceeding or conduct of that Power; but this I must say, that from the first to the last of Count Nesselrode's despatches, it was distinctly stated that the question of the Holy Places, in the view of Russia, always involved the protectorate of the Greek subjects of the Porte. The two points were never kept separate a single moment in the view of Russia. The Emperor of Russia contended that under the treaty of Kainardji, he was entitled to the protectorate over the Greek subjects of the Porte; and he contended that it would not be a violation of the independence or integrity of the Ottoman empire that such a protectorate should exist in the hands of Russia. I do not mean to say that both these positions on the part of Russia were not utterly untenable, and if she obtained such a right as she assumed they would be fatal to the integrity and independence of the Porte; but, from first to last, that question, upon which we have finally come to issue—the protectorate to be exercised by Russia—was never dissociated from the question of the Holy Places. No man in his senses could suppose that it was the mere possession of this key of a grotto in Jerusalem that was alone influencing the conduct of Russia. The object of Russia was, that the protectorate—which she said, but falsely said, had been set aside—should, in point of fact, be exercised over the whole of her co-religionist subjects of the Turkish empire. Russia asserted over and over again that she had no desire to overthrow the Turkish empire. Certainly not; because nothing would suit the purposes of Russia better than that Turkey should remain as she now is—that she should not be divided into a number of independent Principalities which would exist on the frontiers of Russia—that there should not be established in its place a principal Byzantine empire—and that the kingdom of Turkey should not be split up into a number of free republics; so far as the control of Russia was concerned, it was much better for her that she should have the opportunity and plausible right of interfering with her power over ten or eleven millions of the subjects of the Sultan, and most of all that that right should appear to be confirmed to her by new and extended constructions given to the treaty of Kainardji. Upon

that it was that Russia founded her pretensions, and that she wished throughout the whole of the negotiations to have confirmed. Russia never concealed this, but at all times invariably claimed it in her demands with respect to the Holy Places. It was not in connection with Prince Menchikoff's mission that this question of the Holy Places, in connection with the protectorate over the Greek Christians, was raised for the first time. You had been told over and over again before the 25th of April, that the question of the Holy Places was a secondary object only, and the information had reached the noble Earl the Secretary of State for Foreign Affairs before he made that speech to which I have alluded. Before that speech of the 25th of April was made, you had information to this effect from Colonel Rose and from Lord Stratford de Redcliffe. Colonel Rose distinctly told you that whatever Russia might tell you, she was endeavouring secretly to negotiate a treaty at Constantinople, which was to be kept secret from the Courts of England and France, and that she was seeking to enter into an alliance offensive and defensive with Turkey, and that, in return for the protectorate to be established in her favour, Russia was ready to give a fleet and 400,000 men to Turkey if she ever needed aid against any Western Power whatever. Now, that intelligence had reached the noble Earl at a time when he assured us that he placed implicit reliance and confidence in the assurances and statements of Russia, and that not the slightest danger threatened the independence of Turkey. Whatever might have been the assurances of Russia, and although she might seek to reconcile these assurances with the present state of things by the declaration to which I have referred—that she does not now desire the dismemberment of the Turkish empire, that she founds her claim upon the treaty of Kainardji, and contends that under that treaty she has the right to the protectorate, and that all these questions are included in the settlement of that regarding the Holy Places—whatever might have been the assurances of Russia, you received the intelligence on one and the same day of the disclaimer on the part of Russia of any hostile attempts on the independence of Turkey, and a notification from Colonel Rose of the attempts to establish a secret treaty, to which you were to be no party, and from which you were to be sedulously excluded; and you re-

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ceived also at the same time statements from two of your consuls of formidable Russian forces being collected upon the frontiers of Turkey. You received on one and the same day these three notices, and you tell us on the 25th of April that you have a perfect, absolute, and unhesitating reliance in the friendly assurances of Russia. I have, according to the wish of the noble Duke, thus placed Her Majesty's Government in the position in which they desired to be placed—not as we view events now, but as the Government might and ought to have seen them on the 25th of April. Well, subsequent to that period was there any reason to believe that the Emperor of Russia could be led to abandon the determination to which he had come? On the 2nd of June Lord Cowley wrote to the noble Earl to say—

“M. Drouyn de Lhuys informs me that he forwarded to Count Walewski, for communication to your Lordship, two important telegraphic despatches received yesterday by the French Government from Berlin, the one stating that Count Nesselrode had declared to the English and French Ministers at St. Petersburg that he had never given any assurances that the question of the Holy Places was the only one which Prince Menchikoff had to settle with the Porte, and that Russia intended to have the protectorate of the Greek religion in Turkey—and, moreover, would have it; the other, giving intelligence that orders had been received at Warsaw to put the 4th *corps d'armée* in movement towards the Moldavian frontier, where it was to be assembled on the 10th of June.”—[No. 201.]

Sir G. H. Seymour had previously written to tell the noble Earl that he had had a long discussion, though by no means a satisfactory one, with Count Nesselrode, on the subject of a previous despatch of the noble Earl the Secretary of State for Foreign Affairs; in this communication Count Nesselrode had said—

“That from the substance of his demands His Imperial Majesty would not recede, and a dreadful responsibility would be assumed by any Government which, by counselling the rejection of the demands, might bring about the downfall of the Ottoman empire.”—[No. 202.]

This was subsequent to the mission of Prince Menchikoff, and when seeking to establish openly that protectorate over the Turkish empire which it had been all along the object of Russia to obtain. Writing to Sir Hamilton Seymour, on the 7th of June, the noble Earl states, “Your despatch of the 27th of May”—this is the despatch which intimates the intention of the Emperor not to recede from his demands—



"has been the cause of great surprise and regret to Her Majesty's Government. It is a source of deep regret to Her Majesty's Government that upon questions of such a nature any misunderstanding should have arisen with the Government of His Imperial Majesty; but my despatch of the 31st ultimo will have placed you in possession of the views of Her Majesty's Government upon this subject, and further comments are unlikely to lead to any useful result, while they might produce feelings of irritation, which it is the anxious desire of Her Majesty's Government to avoid."—[No. 228.]

On the 30th of May, just previous to the occupation of the Principalities, Sir G. H. Seymour, writing to Lord Clarendon, says—

"At the close of our conversation Count Nesselrode observed that it could not be denied that the state of affairs was very alarming—that the position of the Emperor was one from which it was impossible for His Majesty to recede—and that he would not conceal from me that a continued rejection of the terms offered to the Porte would be followed by the issue of orders for the entrance of the Russian armies into the Principalities. His Excellency was desirous of remarking to me that war could hardly be undertaken by the Sultan under more disadvantageous circumstances than when it was brought about by a refusal of those conditions the acceptance of which was so warmly desired by the whole Greek population of Turkey, and which carried with them the sympathy of the co-religionists of that country."—[No. 229.]

That is a distinct statement, not only that the Emperor of Russia will not recede, but that he will enforce his demands by marching his troops into the Principalities. It is utterly inconsistent with the friendly feeling professed by the Emperor of Russia. But when was the first notification made which produced any effect on Her Majesty's Government? What was the language in which you met that threat and announcement? Remember it was not then a *fait accompli*. It was announced that in the course of a certain time—six weeks—these instructions would be carried out; that in the event of the rejection by Turkey of the treaty which your Minister, in concert with all his colleagues in Constantinople, had declared to be degrading, derogatory, and fatal to the independence of Turkey—that in that case the troops would march forward and occupy the Principalities as "a material guarantee" for the fulfilment of those demands against Turkey. Now, what is the language used by Her Majesty's Government in reply to this threat? Is there no remonstrance made?—no attempt made to point out the gross nature of these proceedings?—no attempt to throw upon the

Emperor the responsibility, if such a step were taken, of drawing the whole of Europe into a collision?—or no attempt to tell him that, if he was the first to draw the sword, he would be responsible for the fatal consequences which might ensue? Not a bit of it. On the 8th of June, the noble Earl the Secretary of State for Foreign Affairs writes to the British Minister at St. Petersburg, in the following language:—

"The Emperor cannot doubt the warm feelings of friendship towards himself entertained by our gracious Sovereign, and His Imperial Majesty must be also aware that it is alike the duty and the desire of Her Majesty's Government to maintain the most cordial relations with Russia, feeling how essential such relations are to the peace of Europe, and viewing, as they do, with alarm and abhorrence whatever may tend to the interruption of that peace. Her Majesty's Government, I repeat, do not believe that Europe can be in danger of the terrible calamity of war from a question such as that which is now pending at Constantinople; they do not believe that the door will be finally closed against an arrangement which to them appears to be still practicable; and they venture, therefore, to hope that the demands of Russia may be confined to the recapitulation of existing treaties, and their due fulfilment, but without seeking to extend that influence over the Greek subjects of the Porte that Russia must always and necessarily exercise."—[No. 230.]

It was upon language such as this that the Emperor of Russia must have founded the conviction he expressed, that Great Britain would never go to war upon a question like the present. And this, my Lords, as far as these papers are concerned, was the sole remonstrance—the sole representation—made by a British Minister against the flagitious occupation, in time of peace, of the Wallachian and Moldavian Principalities, without a particle of excuse, except that of obtaining a material guarantee for the fulfilment of conditions which Turkey had announced she was prepared to resist, and should never be able to concede—nay, more, which your Minister, acting under your authority, had encouraged Turkey to resist and to refuse, and had promised by material assistance to sustain her in refusing. That was the tone and that the language by which you hoped to be able to act on Russia, and to turn the Emperor from his purpose. My Lords, the language of the Emperor had been consistent throughout, and that which he asked had been put in a position from which he could not recede. In one of Count Nesselrode's conversations with Sir Hamilton Seymour, he stated that—

"Warmly attached as he was to peace, and

anxious as he was, upon personal grounds, that peace should be preserved, the condition which was now proposed, that the Emperor should recede from the position which he had taken, was a condition which it was impossible to entertain, and to which he could not advise him to assent."

No; not after he had crossed the Pruth—not after he had advanced his troops—not after he had committed himself to war; but if you had addressed him, not "with bated breath," and in the language of this despatch—not with violent or threatening language, which I should be the last to advocate, but in firm, and temperate, and proper terms—if you had pointed out to him that the course which he proposed to take was one which it was impossible that England and France, acting cordially together upon this question, could ever view with indifference, and which they would feel it their duty to resist—if you had done this before he had committed himself to such a step as the occupation of the Principalities with his troops, I believe that such language, firmly and temperately put, would have had the effect of checking this unparalleled invasion of a neutral country in violation of the law of nations. That would have been the language for the British Cabinet to have used to the Emperor of Russia at that time—appealing to his sense of justice, appealing to his sense of right, yet not concealing from him the fact that such an attempt as that which he had then in contemplation would bring down upon him the united resistance of this country and of France. I believe that if that language had been used, the peace which you say you are so anxious to maintain would have been preserved. I believe that the Emperor would have abandoned his intention, and that a pacific solution of the difficulty would have been secured, if he had not already gone so far that it was in fact impossible for him to recede; and if he had not, on the other hand, believed, whether rightly or wrongly, that you and France were not acting cordially together, and above all, if he had not entertained the opinion, which he has here expressed, that England would never upon such a question be drawn into a war.

My Lords, I will not enter into the argument brought forward by the noble Earl who sits on the cross-benches (Earl Grey), that we ought not to have interfered at all. It is possible that, if the course which the noble Earl suggests had been pursued, peace might have been preserved. It might certainly have been preserved by these means, but it would only have been

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for a time. By pursuing that course, we should have given the assent of Europe to the monstrous interpretation which Russia was prepared to put on her existing rights; and we should have given to that Power such a hold on Turkey as would have prevented our ever interfering hereafter effectually in her defence, and would have led from the protectorate of the Christian subjects of the Porte to the ultimate incorporation of the whole of Turkey into the Russian empire. I cannot look upon such a possible, or probable contingency, with the same complacency as the noble Earl. I think it would be fraught with great danger, that Russia should have such preponderating power, both in the north and south of Europe, as to be the absolute master of its destinies. The noble Duke who spoke last vindicated the policy of the Government in separating from that of France on the question of the Holy Places. [The Duke of ARGYLL: Not entirely.] Perhaps the noble Duke does not vindicate our expressions of regret to the Emperor of Russia—perhaps he does not vindicate our expressions of regret at the hasty step which France had taken, at sending her fleet, not into Turkish waters, but to occupy an advanced position, in order that it might be ready to act, if the necessity for action should arise. If you were not taking an altogether different line from France, it was a most extraordinary proceeding that, while you were acting together—and while your Foreign Secretary was giving out that there was a perfect understanding between you and France as to the course to be pursued—his successor should have written a letter to the Emperor of Russia, regretting and apologising for this movement of the French fleet as a "hasty step." If I remember rightly there is a despatch in which the noble Earl, or his predecessor, announces to the Emperor of Russia that, in point of fact, the only question which raised any embarrassment in Europe was the position which France had taken, thus throwing the whole blame of any possible occurrences, not on the Emperor of Russia, but on the premature movement which had been made by the Emperor of France, with whom it was said we were acting cordially. But the noble Duke, having vindicated the separation from the policy of France on that occasion, and the adoption of a different line of conduct, proceeds still further to vindicate the Vienna note. He tells you that that note is not open to the objections which had been made to it—

that it does not bear the interpretation which Turkey and Russia put upon it—that he stands by its whole phraseology, and was prepared to advise its acceptance; but that Turkey declined to accept it, and we backed up Turkey, and, in consequence of having backed up Turkey, we were now opposed to Russia. Did ever any human being hear such a reason as that assigned for a great war? The abandonment of a note to which you see no objection—by every word of which you are prepared to stand—the abandonment of that note to be the cause of a great war—and the foundation on which you rest the whole of these warlike preparations which the country is called upon to make. I am not about to enter on a vindication of the Vienna note. When these two volumes reached me, I was so bewildered with notes and projects, and counter-projects—with proposals by Austria, and France, and England, and Turkey—with one set of diplomatists sitting at Vienna, and another set of diplomatists sitting at Constantinople, the diplomatists at Vienna disagreeing with the diplomatists at Constantinople—that I give up the attempt to wade through that labyrinth of notes and projects and counter-projects, proposals and counter-proposals; but I thought I saw in the whole this legitimate cause of quarrel—the assertion by Russia of rights which were inconsistent with the independence and integrity of Turkey, and dangerous to the peace of Europe—put forward, I must say, in a most violent and arbitrary manner. I thought I saw in the course pursued by Russia a necessity now, if at any time, for cordial co-operation and active union among the other great Powers of Europe, to prevent the dangerous consequences which might ensue from the unchecked, unceasing ambition of Russia. Having said so much of the past, I will only say a few words with reference to the future. I cannot look with the slightest hope to the realisation of the wishes—I mean the hopes—of the noble Earl (the Earl of Aberdeen) that war may yet be averted. When negotiations are closed—when military preparations of great magnitude have been commenced—when diplomatic intercourse has been broken off—I am at a loss to understand on what he founds the slightest hope that there can be even a possibility of peace being still preserved. The noble Earl is not going, I presume, at this moment, after all the negotiation that has taken place, and when matters have been

carried so far, to abandon the cause of Turkey, and to counsel the Sultan to submit to the conditions imposed on her by Russia. What, then, does he expect? Can he have the slightest hope that, in consequence of the determined attitude and warlike preparations going on in this country and France, the Emperor of Russia will suddenly recede, and abandon the position he has taken? Why, my Lords, if that should be the case, if the noble Earl believes that, it would be the strongest possible condemnation of the policy pursued throughout. If the Emperor of Russia, from fear of the attitude assumed by England and France and of the preparations for war, would be willing, after having advanced so far, to recede from his present position, surely that would be an argument almost conclusive that if this attitude had been assumed before, and these preparations made before, he would never have advanced at all, and that this country would have been spared the apprehension of a formidable war. But are there in reality any grounds at all for the hope expressed by the noble Earl? My noble Friend the Secretary of State for Foreign Affairs has stated that the propositions of the Emperor of Russia and those acceded to by Her Majesty's Government are as incompatible as the meeting of two parallel lines. I am aware that my noble Friend has expressed no very strong hope that peace will be maintained; he has, in fact, as nearly as he possibly could, contradicted his noble Colleague and leader. What are the existing circumstances? No man can say whether the country is at war or whether it is at peace. It is not at war; it is not at peace. The noble Earl at the head of Her Majesty's Government has stated that war is not inevitable; his noble Colleague says that there is no hope that it can be avoided. It has been stated that there was as much unanimity of opinion between the French and English Cabinets as between the members of the present Cabinet themselves. Even allowing the present Cabinet to be the most harmonious that can be conceived, such unanimity cannot alone maintain the independence of Turkey.

One word more as to what has been asserted by the noble Duke opposite, that it would not have been for the tranquillity of Turkey or for the well-being of the subjects of Turkey if, to a certain extent, a foreign right as regarded protection of the Christian subjects were not admitted; but the noble Duke appears to me to have

forgotten that the Sultan has spontaneously expressed his willingness to extend to the utmost possible degree, the privileges of the Christian inhabitants of Turkey. He has even gone further, and has confirmed by firmans the rights and privileges of all his Christian subjects; and it is no doubt intended by the Powers of Europe collectively to maintain those privileges. The noble Duke appears to me to have forgotten that we ought to insist upon a general protectorate of these Christian subjects as a condition of our alliance. I will not enter into that; but I say that such a general protectorate, granted as a condition of admitting Turkey into our alliance, and exercised collectively over the Christian subjects of the Porte, would be a very different thing from the renewal of treaties, giving to Russia an absolute protectorate over from 10,000,000 to 11,000,000 of Turkish subjects. The present Sultan of Turkey has gone to a greater length in granting and confirming these privileges than any former Sovereign has done, and I see no reason to doubt that he will continue in the same course. There is a great, a vital difference between granting a protectorate to any single Power, and granting one to be exercised by the great Powers of Europe collectively, as a price for admission into the community of European nations. Any proposal for the renewal of treaties giving to one Power the right of exercising exclusive control over the subjects of another is in the last degree objectionable.

I differ from the noble Earl (Earl Grey) in thinking that this country could have avoided the position in which it now is placed—I differ from Her Majesty's Government that the course which they have adopted has been the wisest course. I do not in this matter doubt the intentions of the Government; but I disagree with them as to their mode of action, and I call their judgment into question. I do not blame them in the least for endeavouring to the last to preserve peace; but I cannot help saying that I censure and disapprove the course which they have adopted for the attainment of their end. Believing now, as I do, that war is inevitable, and that everything depends upon the vigour and energy with which the efforts of this country and of France—and I hope I may also say of Austria and Prussia—are conducted towards bringing this quarrel to a satisfactory termination, I shall from this moment discard all consi-

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deration of the past—I shall discard all party feeling and all questions;—and if the Government are in earnest, and are about to embark in a war just, right, and necessary—as I consider the approaching war to be—with the determination of carrying it on in a manner worthy of the cause at issue, and worthy of the dignity of this country, and of the importance of the end to be attained—I say if that is the case it will be my anxious and earnest desire—sacrificing all other considerations and waiving all other questions—to give them the best support in my power.

THE EARL OF ABERDEEN: My Lords, I think, from the character of some of the speeches we have heard to-night, there can be but little doubt as to the character and degree of censure which would have been cast upon Her Majesty's Government, no matter what might have been the course pursued by them. If the negotiations which have been entered into had been sooner brought to an abrupt close, war would have been owing to our rashness, or our timidity, or our blundering conduct; and had they ended in peace, of course, in bringing them to that issue we should have equally sacrificed the honour and interest of this country. But after all the asperity with which the noble Marquess (the Marquess of Clanricarde) has described our conduct, followed up, as it has been by the noble Earl (the Earl of Derby), I am a little surprised at the nature of the Motion which the noble Marquess has thought proper to lay before the House. With such opinions, with such convictions, as the noble Marquess entertains, I should have thought it would have been a Motion of nothing less than a censure upon the conduct we have pursued. But what is the Motion? The noble Marquess moves for a few additional papers, without describing what they are, and without knowing what it is he moves for; but desiring to have some papers on the subject of the cessation of diplomatic relations with Russia. Now, as these papers have been already laid upon the table of your Lordships' House, the noble Marquess has made a Motion without the slightest knowledge whether anything exists of the kind for which he moves, and without knowing what information he will receive. Now this, I take it, is a very lame and impotent conclusion to a speech which stigmatised every step in the conduct of Her Majesty's Government both at home



and abroad throughout the whole of these transactions. My Lords, instead of the crude motion now brought forward, the least that I should have expected would have been a direct vote of censure upon the conduct of the Government. Indeed, a higher tone has been taken by those who entertain the same opinions as the noble Marquess and the noble Earl who has just spoken, and we have heard loud threats of impeachment even, against Her Majesty's Government, for the course which they have pursued. I do not deny, my Lords, that in the course of these transactions I have spent many anxious hours, and some sleepless nights, in consequence of the difficulties with which we have been surrounded; but I must say this—that the apprehension of impeachment has never disturbed me for a moment. Now, my Lords, what has had a considerable effect on the noble Marquess, and on those who, like him, are prepared to pronounce sentence on Her Majesty's Government, has been, as they allege, the production of the papers now upon your Lordships' table. To my certain knowledge, many of those who were much disposed to censure Her Majesty's Government have had the candour to admit that the production of those papers has considerably changed their views. Therefore, I think, the noble Marquess has done wisely in modifying a vote either of impeachment or censure into the Motion with which he has concluded. My Lords, I understand the spirit of the objections made by the noble Earl, but I do not exactly know what precise course he would have recommended Her Majesty's Government to pursue. He has thought proper to refer to some words of mine as to the possibility of peace being still maintained. In consequence of a declaration made by a noble Friend of mine, not now in the House, that he considered war as inevitable, I certainly did say, and I repeat it, that I do not consider, and cannot consider, so long as war is not declared and actually existing—I cannot consider war as inevitable, believing, as I do, that all the Powers concerned in this dispute, including the Emperor of Russia himself, whose conduct for many years has been a proof of the fact, know and fully estimate the serious consequence war must be to Europe in general; and looking, also, to the exertions he has made in former years to preserve peace, it makes me think it not at all impossible that even he, on whom depends the decision in a great

measure of this question, may entertain such views as may end in peace. But in the consideration of this question, whether it be for peace or for war, it is no small advantage that the other great Powers of Europe may be considered to have acted in unison on this question. This is no small advantage; and, whether the issue of the question be peace or war, it is, I repeat, matter for congratulation that the union of the great Powers of Europe should have been accomplished, so far as it has been accomplished. My Lords, I feel—as has been also observed by my noble Friend opposite, who has left the House (the Earl of Ellenborough)—that the people of this country are not sufficiently impressed with the importance and the magnitude of the war in which they may be engaged, and this, I think, must be apparent to all your Lordships. In fact, we have been so long without having experienced the horrors and the miseries of war, that it is but too common to look upon it now as a source of pleasurable excitement; and I verily believe that if, by the blessing of God and our endeavours, we should still be enabled to preserve peace, a very great disappointment will ensue in many quarters. I do not say in this House or among enlightened men, but I do say among certain classes who now thoughtlessly, but very numerous, look forward, as merely a degree of excitement, to such an event, which we must all deprecate. I agree in thinking that the public feeling in this matter is a generous feeling; and although the people generally do not look to the consequences which must inevitably ensue should war take place, yet still the feeling to resist aggression and injustice is a generous one. But, my Lords, it is not for us to encourage that feeling. It is, on the contrary, the duty of the Government as much as possible to resist such feelings, however natural and however generous they may be—to direct them in the course of prudence and of policy. In adopting this course, I know very well that we must submit to the epithets which have already, without measure, been bestowed upon our exertions to maintain peace—such as cowardice, vacillation, and treachery. All this we must submit to, but at the same time I do not see in what a more courageous policy consists. It seems to me that Her Majesty's Government will exhibit more moral courage in resisting strong popular impressions, because we

think them irrational and carried to a mischievous extent, than in yielding to those common-place taunts which I am ashamed to hear applied by the noble Earl. Every one who seeks war professes a love of peace. Even the greatest conquerors who have ever inflicted misery on mankind have always professed to love peace, and only to make war in order to arrive at peace. This is language which is used upon all occasions; but when war ensues we must look to the language rather than to the declarations of persons who profess not to object to war for its own sake. Now, when I say that the popular feelings to which I have alluded are irrational, and carried to a greater extent than is wise and prudent, I must also include a certain number in this country, who are really bent upon war, but who think and who maintain, and who in this town have at meetings declared, that war is to regenerate Europe—that that is the mode by which Europe is to be regenerated. To be sure such declarations are usually coupled with an allusion to the guillotine, and I do not see how the guillotine is to assist in the regeneration of Europe, except, perhaps, inasmuch as it will cause additional desolation, misery, and ruin beyond that which ordinary warfare will necessarily induce. But, my Lords, the real question is, practically, what the noble Earl would have us to have done? He speaks, and he has repeatedly spoken before, of what the noble Marquess also calls our infirmity of purpose and our lack of vigour. I think the noble Marquess told us, if we had had more vigour and less infirmity of purpose, that we might have brought matters to a more satisfactory footing; and the noble Earl also in effect makes the same accusation. Just to show your Lordships how this is: The only step taken by the Emperor of Russia—the only act which we could deal with—was the invasion of the Principalities. What would the noble Earl have had us to do on that attack? He would have had us threaten the Emperor with, what in plain English must mean, war. Now I will put it to the House whether, if we had held such language, and it had failed in its effects, how, under the circumstances under which that occupation of the Principalities took place, could we have hoped to meet with the assent of Parliament or of the country? The Emperor invaded the Principalities, occupied the Principalities, he said, as a material guarantee for claims which he

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maintained to be just. He said that the occupation was to be but temporary. He said that he did not declare war, and that he did not intend to make war. Turkey, at the same time, though a very sufficient cause of war, determined not to make it a cause of war, and abstained therefore from declaring war, being in truth utterly unprepared to make war. Under those circumstances, if we had conveyed such opinions to the Emperor of Russia as would have produced war, I ask whether we should not have heard from the noble Lords opposite the most inexhaustible fund of censure and attack that it is possible to conceive? I am quite sure that we should have deserved it, whether we met with it or not. Early in these negotiations, look at the opinion of Lord Stratford on this very point of the invasion of the Principalities. In an interview which he had with the Sultan himself, he relates, in his despatch, having said—

“I conceived that, under such circumstances, the true position to be maintained by the Porte was one of moral resistance to such demands as were really inadmissible on just and essential grounds, and that the principle should even be applied, under protest, to the occupation of the Principalities, not in weakness or despair, but in reliance in a good cause and on the sympathy of friendly and independent Governments.”—[No. 203.]

Therefore, he would have nothing done more than protest against the occupation of the Principalities. He had no intention of recommending the Porte to treat it as a cause of war. My Lords, after an event, it is very easy, in looking at a transaction, to find points which might admit of a different course having been pursued. It is very possible that such might be the case in this instance; but I can only say that, in looking over these negotiations as they have been carried on from the commencement, I cannot see any reason to lament any step which has been taken in the whole course of these transactions. The noble Earl has been pleased to say that I have been more of a war Minister than I intended or fancied that I should be. In saying so, he has perhaps spoken more truth than he intended; for I can assure him in good truth that if I have any misgivings at all about the course which has been pursued, it is certainly not that we have been too pacific. We have done the best we could to maintain peace, and such is the desire which I have entertained to arrive at that result, that I had almost said that I enter-

tain some misgivings that we have not used the utmost endeavours to attain it. At the same time I can say that I believe the course we have pursued has been that which is not only justified, but is that which, upon full consideration, I should feel disposed to repeat were the occasion to recur. So far from thinking that our exertions to maintain peace have been continued too long, I entertain a very different opinion. I think that every additional day that peace has been maintained has been an advantage. I do not the least regret the time which has passed in following out these endeavours to effect peace, whether they shall ultimately be successful or unsuccessful. My Lords, the noble Earl has also found fault with us for not having at an earlier period established an entire concert with France in the conduct of these transactions. Now my noble Friend the noble Duke behind me (the Duke of Argyll) has shown that, so far as the question of the Holy Places was concerned we could not act with France, not only because we were indifferent to the whole subject, so far as English interests were concerned, but because in truth we thought that Russia had some ground of complaint on that subject. Therefore it was impossible for us at that time, and on that subject, at least, to establish a concert with France; but so anxious were we that nothing should prevent our uniting in strict accordance with that Power, that your Lordships will see that, in the instructions which Lord Stratford carried with him when he left England, and which were drawn up by my noble Friend (the Earl of Clarendon), my noble Friend, referring to his passing through Paris, directs him thus:—

“You will inform the French Minister for Foreign Affairs that Her Majesty's Government have great satisfaction in believing that the interests of France and England in the East are identical, and that nothing therefore may prevent their cordial co-operation in maintaining the integrity and independence of the Turkish empire.”

Now this was written before Lord Stratford left England; and yet the noble Earl (the Earl of Derby) has the courage to find fault with us for not early enough cultivating a concert with France. Now, my Lords, let me say that, in the whole of these transactions there is no one thing—let it end how it may—there is nothing which has given me more satisfaction than that very concert which the noble Earl finds fault with us for not having earlier entered into with France. I say further,

that from the first, when Lord Stratford took his instructions with him to Paris, up to this hour, we have maintained the most entire and cordial concert with France, and have had every reason to be satisfied to the utmost with the perfect loyalty, honour, good faith, and good feeling with which we have been met by the French Government. Let these negotiations terminate as they may, it will always be a source of the utmost satisfaction to us, that we have established that concert and that mutual alliance and goodwill between the two Governments. My Lords, that concert and that mutual kindness and goodwill will, I trust, continue; and no efforts will be wanting on our parts to ensure, and, if it be possible, to increase, those frank and friendly relations. My Lords, the great object which we have had in view, the great object for which we first entered into these negotiations, has been the protection of the Turkish empire against the aggression of Russia—an object we have deemed of an importance paramount to any other consideration connected with the question. It is not that we are not sensible—at least I am very sensible—of that which has been urged by the noble Earl (Earl Grey); and certainly if its object were to support much of that which he has described, war would be quite unjustifiable; but the aggression of Russia, and the possession of those Principalities which are of so much importance to the rest of Europe, manifestly call upon us to the utmost of our power to defend the Turks. I do not look without apprehension to the consequences of war—let it end how it may—to the Turkish empire. I find that the feeling of disaffection in the Turkish dominions is so strong, and the condition of the Government is such, that a war—even a successful war—would be attended with great danger to the future condition of that empire;—and therefore it is that, wishing to preserve the existence of that empire as a European necessity, I am doubly anxious to preserve it, if possible, from the continuance of war. The noble Earl (the Earl of Derby) has made very merry with the answer given by my noble Friend (the Earl of Clarendon) to the question whether we were at peace or at war; and has said that, being neither at peace nor at war, he does not very well know what we can be. At all events let that position be what it may, it is very far from being unprecedented. We have been in it before, and very likely may often be in it again. Look at what hap-

poned in the year 1827. Our Ambassador was then withdrawn from Constantinople—we blockaded the Turkish ports—we had our Sinope—we destroyed the Turkish fleet in harbour at an immense loss of life, and were not at war. There was no war. We continued for a year and a half in that state without being at war, and no more at peace than was shown by those demonstrations, such as have not yet taken place between us and the Russian empire; for as yet we have not struck a blow or fired a shot at the Russian forces, and therefore cannot be said to have been so much in a state of war with Russia as we were at that time with Turkey, with whom we professed then to be at peace. Therefore, difficult as it may be to describe our position, at least the noble Earl will see that it is not unprecedented. There are other instances of a similar kind. A French army besieged Antwerp, and we blockaded the Scheldt; but we were not at war with Holland. Nevertheless, these demonstrations took place, which were more energetic than anything which has yet taken place between us and the Russians. I could very much wish that we had seen the worst of this state, be it war or be it peace; but although I have ventured to say that I did not think war inevitable, I have never said that it would not take place—although I not only hope, but most ardently pray, that it may not take place. All that I said was, that it was not inevitable—that I did not abandon that hope; and, slender as it is, I will not abandon it even now. It is a matter of very little importance what I may hope, or expect, or think; but what is important is, that Her Majesty's Government are making every possible preparations as if war were inevitable. That is all the country can desire, and they may leave me and others to indulge our hopes and our prayers as we may think proper. I can repeat that every effort will be made, and is making at this moment, to carry on the war, if war there must be, in such a manner as becomes the character, the dignity, and the power of this country. My Lords, at this hour I will not fatigue your Lordships by saying more; but I am so far glad that this Motion has been brought forward, because I do think, that in addition to the papers which are upon the table, the clear justification of my noble Friend (the Earl of Clarendon), who has had the principal

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management of these negotiations, must have been such as to satisfy your Lordships that there has been no want of prudence, foresight, or skill in the management of these most difficult and complicated negotiations; and I have not the least fear in appealing, not only to this House, but to the country, not merely for an acquittal of Her Majesty's Government from blame, but I would almost venture to trust that we may have their approbation of our conduct.

THE DUKE OF ARGYLL explained, that in the observations which he had made, he had not intended to intimate that there was at any time any divergence between the policy of England and that of France in regard to the independence of Turkey. All that he meant to say was, that until the question concerning the Holy Places was settled, the policy of the two countries could not attain to that perfect coincidence by which it was afterwards characterised.

THE EARL OF ALBEMARLE said, their Lordships had now been engaged for seven hours and a half in discussing what he thought one of the most unprofitable questions ever brought before the House—the past conduct of Her Majesty's Government; and not one word had their Lordships heard of the future conduct of the Government. He would be most happy to support the Government in their future conduct, if it should be suitable to the dignity of the country, but he thought some information should be afforded to the House as to the definite objects of the war on which they were about to enter. A battalion of the Guards had left London, and he wished to know whether this country was going to war upon the *status quo*, or because Russia had violated the law of nations by breaking treaties, which were now merely so much waste paper. He trusted that under any future arrangement the Euxine and the Azof, the common property of mankind, would no longer be closed by the hands of a despot against the free and profitable intercourse of nations.

THE MARQUESS OF CLANRICARDE, in reply, said, that his object in making that Motion had been to obtain information which not he only, but the country, was very desirous of obtaining. No attempt had been made in the course of that discussion to answer what he conceived to be an important part of his remarks, namely, that relating to the attitude assumed by the Government towards Parliament, which he considered to be entirely novel. He



had been asked why he did not propose a vote of censure upon the Government. He had had no wish to do anything of the kind; and there was very good reason why; if his opinion were even much stronger than it was, he should abstain from taking such a course. He rejoiced to find that in that House, and he believed in the country also, but one determination prevailed—namely, to support the Government through the struggle in which we were unfortunately about to be engaged, without any reference to what might have passed. The noble Earl (the Earl of Aberdeen) had said, that he (the Marquess of Clanricarde) should have moved a distinct vote of censure, because he had remarked upon the conduct of these transactions with asperity. He certainly had not intended to introduce any asperity into his address; but as this was perhaps the gravest question that he had had the honour to bring forward since he had had a seat in Parliament, and as he felt very strongly upon it, he had felt himself justified in expressing his opinions strongly. A noble Earl on the cross-benches had asked what right he had to assume—for, after all, it was but an assumption—that if Her Majesty's Government had acted with more vigour and determination, and, he would add, candour and frankness, at an early period of the negotiations, they would have produced that effect upon the mind of the Emperor of Russia and his Cabinet which the present state of affairs had failed to produce. He would answer this question by appealing to the experience of the last twenty-three years. It was well known that the designs of Russia upon Turkey had been constantly entertained in the Russian Cabinet; but Russia had never dared to make an attempt in pursuance of these designs so long as she felt that the Western Powers would unite against her. When Prince Menchikoff found that the Turkish Minister had communicated the project of convention which he had desired should not be communicated to the representatives of England and France, and that the English and French Ministers had written for their respective fleets, what course did Prince Menchikoff then pursue? He immediately altered his tone. [The Duke of ARGYLL signified dissent.] The noble Duke shook his head; but he asserted positively—although he would not read the blue book at that time of night, that there was an evident alteration in the tone of Prince Menchikoff at the period to which he referred, and the Prince

did not renew his demands upon the Porte until he received fresh instructions from Russia. But the Emperor of Russia, having advanced his pretensions before Europe and the world, and repeatedly persisted in them, of course his position was greatly changed in the matter, and it could not be argued that because he could not at a later period withdraw the claim that he had put forward and adhered to so firmly, therefore he would not have abstained from persisting in that claim if he had been distinctly forewarned in time that it would not be conceded. Every one conversant with the transactions of 1841, knew that in that year, when information was received that the French Government of that day was not dealing in a very straightforward manner with us on the Egyptian question, and, the influence of Mehemet Ali appeared to be great in Paris, the Emperor of Russia consented to the entrance of the Dardanelles by the British fleet in order to guard Constantinople; and why? Because by gaining our signature to a treaty he thought he had separated England and France on the Turkish question. He (the Marquess of Clanricarde) believed if the English and French Governments had acted well together in the spring of last year, that these claims would never have been advanced, although no doubt they were always held *in petto* by the Russian Government awaiting a favourable opportunity. He must express his regret at the analogy cited by the noble Earl at the head of the Government, for the conduct which he was now pursuing, and in which he hoped he would not long persevere. The noble Earl said that our present position was not unprecedented, and pointed to what occurred at the time of the battle of Navarino. If the noble Earl thought that this country could deal with Russia in the way that England, France, and Russia could deal with the Turks in the days of Navarino, he might lead this country into a very serious dilemma. If he thought that we could deal with Russia as France and England dealt with Holland in the case of the siege of Antwerp, he was following a very dangerous precedent and a very false analogy. The noble Earl seemed to take joy to himself because we were not at war. At this he (the Marquess of Clanricarde) felt alarmed; because, if there was really a chance of an honourable peace, let it be followed up; but if we continued as we were in the present state of affairs, we would be ruining Turkey and serving Rus-

sia. What could be better for Russia than for our fleet to content itself with compelling her ships to keep within their ports, and for our land forces to disembark on the shores of the Sea of Marmora, and there remain whilst the unfortunate Turkish army was bearing the brunt of the war on the banks of the Danube? It was impossible to go on with such a state of things as now existed, otherwise the war would not only be disastrous, but must lead to consequences which it was impossible for any man to foresee. They must expect the excitement of opinions and of nationalities to arise, and other commotions which must lead to a general conflagration throughout Europe; and at the end of it all, God only knew who might be found at our side, and who against us. He trusted that the Government would soon define the objects and the limits of the war, and the engagements we had made. No man could deny that we had placed ourselves under a moral obligation to support Turkey. The noble Earl had told us that we must defend Turkey; but they must have something more than a mere idle inert defence. We were not to be at the beck and call of Turkey, and we also must not be without definite engagements with our allies. He did not approve of the decision to which the Cabinet had come; but, looking at that decision as it stood, he felt bound to say that he did not think the negotiations could be conducted by any Minister as the organ of the Cabinet better than they had been done by the noble Earl (the Earl of Clarendon). The agents of the Government appeared to have been well supplied with the best instructions that the nature of the subject admitted of; but at the same time he must repeat that if we had frankly, and fairly, and firmly given the Emperor of Russia notice that if he persisted in his course he must expect the resolute and active resistance of England and France, he believed in his conscience that war would have been averted. So far, however, was that conviction from making him desire to propose a vote of censure on Her Majesty's Government, that it would not diminish by one jot his desire to support them in carrying on the war in the most vigorous manner in order to bring it to a successful issue.

Motion, by leave of the House, *withdrawn*.

House adjourned to Thursday next.

*The Marquess of Clanricarde*

## HOUSE OF COMMONS,

*Tuesday, February 14, 1854.*

MINUTES.] NEW MEMBERS SWORN.—For Sussex (Western Division), Henry Wyndham, Esq.; for Stafford County (Southern Division), Lord Paget.

NEW WRIT.—For Cardigan County, v. William Edward Powell, Esq., Steward of Northstead.

PUBLIC BILLS.—1<sup>c</sup> Public Prosecutors; Succession to Real Estate.

### MILITIA STORES.

MR. EVELYN DENISON asked Viscount Palmerston whether his attention had been called to section 37 of the Militia Act, by which the expense of providing a store-house for arms, accoutrements, and clothing, and quarters for a sergeant-major and a portion of the non-commissioned officers of the permanent staff, is to be provided out of the county rate, while the boroughs, not contributing to the county rate, will be exempt from any portion of this charge?

VISCOUNT PALMERSTON said, the subject to which his attention had just been called had already been brought under his notice. The fact was that, owing to the peculiar provision of the law which exempted certain boroughs from county rates, those boroughs did not contribute towards the expense of militia stores. He had no hesitation in saying he thought that exemption was very unjust. The expense ought to be spread equally over all the property of the country; and he should endeavour, in the amended and consolidated Militia Bill, which he hoped to be able shortly to present to the House, to find the means of remedying that which was undoubtedly an injustice.

### SUCCESSION TO REAL ESTATE BILL.

MR. LOCKE KING said, that on rising to move for leave to introduce a Bill to amend the law of succession to real property in cases of intestacy, he would remind the House, that when he last submitted this question for their consideration, he did so in the shape of a Resolution. He was told on that occasion by many hon. Gentlemen who took a very great interest in the subject, that he would have done better had he then moved for leave to bring in a Bill, because he would have shown that he was really in earnest in directing the attention of the House to the question. It was for that reason that he now begged to move for leave to intro-

duce a Bill to amend this law. He was certain he need not remind the House that this was a question of very great importance to a large number of people, more particularly to the middle classes, for when once the rights of property and the security of it had been established in a country, there could be no laws of much greater importance than those which related to the alienation of it, and to the succession to it on the death of the possessor. They had a great moral and political influence. They affected the whole feelings of the nation, and had a powerful influence on its domestic happiness. It had been well observed, that in proportion as the principle of just and equal laws had been established in a nation, its general wealth and its general happiness had been promoted: while by discouraging that great principle, although wealth might be concentrated in the hands of a few, still misery and poverty would be the lot of man. Happily, in this country we had the greatest security for property. Nowhere was the right to it more respected; and he was willing to admit likewise that we possessed the largest amount of wealth, perhaps, which the world ever saw. But side by side with that enormous wealth, with those concentrated riches, we had also the greatest amount of poverty which it was possible to imagine. If it could be shown that the greatest possible extremes in the condition of mankind were desirable, then we must acknowledge ourselves to have been eminently successful, for we could boast of laws, of comparatively modern invention, whose object was, with respect to one class of property, to keep it in the fewest possible hands—to make its alienation and its circulation as difficult as possible, and to discourage to the utmost extent the distribution of it at the death of the possessor. As if the natural differences and distinctions between land and other property were not in themselves sufficient, other and artificial differences had been invented by laws, which were originally introduced for the purpose of enabling a body of conquerors more completely to subdue a conquered nation. It might be said—and he would not pretend to deny—that those laws were in strict accordance with the feelings of a powerful and privileged class; but the question for that House to consider was, whether they were in accordance with the feelings of an equally powerful, but not of a privileged class; and, above all, whether they were in accordance with the times in

which we lived, and whether they were not upheld by mistaken ideas of expediency and necessity rather than supported by justice. Those who possessed rights of long standing founded on antiquity rather than on justice, were now bound to give up promptly, and with a good grace, every indefensible privilege—every anomaly—everything that could in any way be construed into an act of injustice. Now, with regard to the property of those who died intestate, the law as it at present stood was full of the greatest anomalies and of many acts of injustice. If they took the case of a parent who died possessed of personal property, the Statute law came in, and forced a division of that property among the children; and that, he thought, seemed to be natural justice. But in the case of a parent who died possessed of real property, the Common law stepped in and snatched the whole of that property away from those who appeared to be the natural inheritors, and gave it to one child alone. In regard to the land itself, the law as it now stood was also full of the grossest anomalies. If they took the case of a freehold estate, they found it went entirely to one child; but if they took the case of a long leasehold, whether for 99, or 1,000, or even 10,000 years, which in many respects was equal to a freehold, they would find that on the death of the possessor the law divided the property among all the children, if the father died intestate. Again, what happened in the case of copyhold property where borough English prevails? Why, the eldest son got nothing, and the property went entirely to the youngest. He might also venture to refer to the case where the holder of personal property agreed to invest the whole of his property in a freehold estate. He signed the contract, he intended when he had completed the purchase to make a will, but dying before he had made a provision for his younger children, what happened? Why, the administrator was bound to disregard the intentions of the deceased, and the whole of the property went to the eldest child. Now, the Bill which he proposed to introduce would to a great extent, or entirely, remove all those anomalies, and a great many others. It was the province and the duty of the law to make for persons who died intestate such a distribution of their property as should not only be just to their families, but also be beneficial to the State. He did not seek in any way to interfere

with the rights and privileges of any person; he only desired to apply the same rule to real property which was applied now to personal property. He knew there were many persons who would object to this measure on the ground that it had a tendency to do away with what they called the law of primogeniture. Now, he must confess, he was altogether ignorant of the existence of such a law. There was no law which compelled an individual to give the whole of his personal or real property to one child only. If this Bill passed, it would leave to every person the privilege of making by will, if he chose, his own law of primogeniture. There were others who might say that a measure of this kind would be dangerous to the aristocracy; that, by dividing the property of Peers among their children, it would tend to endanger the peerage. But here it must be recollected that, in the great majority of cases, the property of Peers was so settled, and perhaps so encumbered, that it did not matter whether a Peer made a will or not. If, however, any serious objection were raised on this ground, it might be very easy to remove it in a simple way—for example, by not allowing the property of Peers to be in any way operated upon by the provisions of the Bill. What he boldly claimed was, that there should be equal laws and equal justice for all, and he maintained that where a parent had not made any distinction or difference between brothers and sisters in the same family, it was an act of great injustice for the law to step in and deprive children of their inheritance when they were left most unprotected, and when they ought to look to the law for justice and protection. Even in feudal France, before the first great revolution, a local custom prevailed all over the country, except in Normandy, which compelled the elder brother to make a provision for the younger children. In that country all the younger children, as had been observed by an eminent writer, were looked upon as little else than illegitimate; yet a sort of blood relationship was allowed to exist, and a provision was made for them accordingly; but by the common law of England an elder brother might inherit the greatest part of a county, producing tens of thousands, and even hundreds of thousands of pounds a year, yet he was not compelled to make any provision either for his brothers or his sisters; and even now in the upper classes of society there was a very strong feeling, that

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if a parent made a will, and left a portion of his freehold property to any than the eldest son, he would be guilty of an act of injustice. That was very different from what the feeling ought to be. There was an affecting story told of the family of M. Dupin, whose eldest son, at a time when it was proposed to alter the present law of succession in France, abjured, in favour of his other brothers, any right which any future law might give him to the exclusive possession of the whole of his father's property. It seemed to him that the only argument which could be used to keep up this system would be that of expediency; but that argument was answered very ably by Adam Smith many years ago, when he said that in the present state of Europe the possessor of one acre was as safe as he who possessed a hundred acres. Now he would ask was it wise or expedient, in a country with democratic institutions, to keep up laws whose object was to create not only the greatest inequalities in the nation, but inequalities in the wealth of one and the same family? But, perhaps, in a question of this kind it was well to look back and see what had been the law and practice in past ages and in different countries. If they turned to the Jewish law and to the institutions of Moses, they found that there the eldest son did not inherit anything approaching to the whole of the property. At the death of the father the property was divided into equal portions, and the eldest son had a right to only two portions, and this was called the right of the first-born. But then there were peculiar institutions, such as the year of the jubilee, and other occasions, when all the debts were cancelled, and when land reverted to the former owner, no matter on what conditions it was parted with—which all tended to keep up equality in families, and to promote that moderation which was the best guard of their liberties and their rights. He mentioned this because there were many persons who ran away with the idea we took our law from that of the Jews. No difference was made in the Jewish law between freehold and personal property, or between moveable and immoveable property. There was also among these people a very stringent law with regard to usury, which was not at all adapted to a commercial nation, and which those persons who upheld the present system of the eldest son taking all the land would perhaps find very inconvenient if it were adopted in this country. If he turned to



the Grecian law, he found that there the property was divided among all the sons, who were co-heirs; and in Blackstone there was a passage in praise of the old Athenian law as keeping up equality and preventing the accumulation of estates. According to the Roman law, the property was divided into equal and even shares, and distributed among all the children and the widow. Sir James Mackintosh remarked, with respect to the Roman law, that the nineteenth century had at length brought us nearly to the same point which the Roman reached at the time of the legislation of Justinian. Our materials were ample, and our skill in reducing them to order, ought not to be behind that of any former age. Now, all he proposed to do was to carry out the principle of the Roman law. They had already adopted that law in respect to personal property, and he only asked them to extend it to real property. Among the Saxons, again, he found the eldest son had no right over his other brothers. In short, neither amongst Jews, Greeks, Romans, nor Saxons, was there anything so unjust as our law in this regard. The next question for consideration was, how were these laws introduced, and for what reason had they been maintained for so long a period? There was no doubt as to their introduction. They were introduced with the view of completely subjugating the Saxon people; but why they had been maintained so long he should leave to others to answer. He could show abundant reasons why every vestige of feudalism ought to be abolished, and it became a question for that House to consider whether it was wise for them any longer to treat this great nation as a conquered people, and whether the time had not arrived when the law of succession to real property, as well as every other law, should be submitted to the light of reason and of justice. As long as a remnant of the feudal times existed, there always would be what was termed by Sir William Jones a war of jarring principles.

“There has been a continual war in the Constitution of England between two jarring principles: the evil principle of the feudal system, with his dark auxiliaries, ignorance, and false philosophy; and the good principle of increasing commerce, with her liberal allies, true learning and sound reason. The first is the poisoned source of the abominations which history too truthfully records; it has tarnished and polluted wherever it has touched the fair form of our Constitution, and for ages even contaminated the spirit. While any dregs of this baneful system

remain, you cannot justly boast of general freedom; it was a system of niggardly and partial freedom enjoyed by great barons only, and many bad men, who were perpetually insulting and giving check to the king, while they sacked and harassed the people. What caused the absurd yet fatal distinction between property, personal and real? The feudal principle. The same infernal principle, which then subdued and stifled the genuine equalising spirit of our Constitution.”

That many jarring principles were still in operation, was a fact of which there could be little doubt. There still remained in connection with the land many vestiges of feudal oppression. We had lords of the manor, with their oppressive rights—for the forest laws, we had the game laws—and we had a system of entail which, though nominally not perpetual, was to all intents and purposes perpetual—a system by which the father was made subject to the son, and by which property was frequently locked up in the hands of persons unable to improve it. Of the cruelty and misery of the time when these laws were introduced, history was full. At one time we found that large tracts of country were depopulated for the sake of making parks for the amusement of royalty; at another it was thought to be necessary, for the sake of preserving the monopoly of land, to make what was called “a zone of desolation.” In this way the whole country between York and Durham was laid waste, and an immense number of people—not enemies, but subjects—were slain to increase the monopoly of land. Not many years ago some 15,000 of the peasantry in the north of Scotland were ejected, and their places supplied by sheep; but he understood those who had so acted were now very anxious to get rid of the sheep and to get back the human beings. We had seen the same thing extended to Ireland, where the monopoly of land had ravished the country. He would not trouble the House by going into statistics, but it was worth the while of hon. Gentlemen who approved the monopoly of land to examine the subject, and they would find that while there were fewer proprietors in this country than in any other, we had, in consequence of the laws to which he had referred, a greater amount of pauperism, of crime, and even of insanity. For it was a remarkable fact that in the agricultural districts of England there was not only more insanity than in the towns, where naturally insanity would increase to a greater extent than in the country, but there was more even than

the agricultural districts of other countries. In the agricultural districts of England 1 out of every 700 inhabitants was insane, whereas in the agricultural districts of France there was not above 1 in every 3,000. He thought that the natural desire for land was quite strong enough without the artificial stimulus of the Legislature to excite it. When he looked at what had been done in late years—when he recollected that the zeal and eloquence, and the honesty of purpose of the Chancellor of the Exchequer, had induced that House, with scarcely a murmur, to give up one of the greatest privileges which the landed interest enjoyed—its freedom and immunity from the legacy tax—when he remembered that the same right hon. Gentleman had boldly declared the principle that henceforth all claims should be treated with equal justice, he felt that the Government, at all events, could not oppose a measure of this kind, which was not asking the House to impose any new tax, but simply to do away with an unjust privilege, and to resolve that real property should be dealt with in the same manner as personal property. It was now 300 years since any great alteration was made in regard to the laws of succession, and great mitigation was then effected, by power being given to persons to make wills; but he thought it was now time for that House to do something more—to make in fact in the middle of the nineteenth century, a more just will for those who die intestate, than that which was dictated by the spirit of the eleventh and which we still retain. He trusted that there would be no objection to his laying the Bill before the House, as he believed the effect of passing it would be to remove an act of injustice which was dishonourable to the Legislature, and a disgrace to a free and civilised country. The hon. Member concluded by moving for leave to bring in a Bill to amend the law of succession to real property in cases of intestacy.

MR. HADFIELD, in seconding the Motion, said, he was exceedingly glad that a measure of this nature had been introduced, as it would, if successful, remove a great and serious inconvenience. The House would perceive that it attempted no interference with testamentary power, but merely referred to cases in which the possessor of property died intestate. He believed that if an accurate calculation were made, the personal property would be found

to exceed the real, so that it was only the minor section of the property of the country that the law sought to be repealed referred to. As regarded personal property, the law stood as it was now sought to make it with regard to real, and the persons interested had never complained of inconvenience or injustice. In the case of intestacy in real property, if the children were all females, they became *co-parceners* in the land; but if there were one boy, not only were his sisters, but all his younger brothers, cut off, and he was solely entitled to the inheritance. Was it not most unjust, absurd, and unfair, and contrary to every principle of equity and reason, that if a man died suddenly by the dispensation of Providence, and had not time to make his will, those whom he most loved, and who were the chief objects of his affections, his wife, and all his children but one, should by the law be deprived of what was their natural inheritance.

MR. BRIGHT said, that when, on a former occasion, his hon. Friend had brought forward this proposition, he (Mr. Bright) had said a few words in its favour, and he could only suppose the neglect of the House to arise from its not being considered a great or practical question. The law as it at present stood was exceedingly unjust; and if he were in the position of an elder son, or of any son receiving an estate on the death of his father, thereby depriving his sisters or his brothers of a participation in it, he should think it just as criminal to take the property as he would to abscond from his creditors or forge a will. He solemnly declared, that in his opinion the thing was so atrocious, so scandalous, and so unnatural, that he did not know of any offence of a pecuniary character which appeared to him so great as that involved in the present law of succession. An hon. Member to whom he had recently expressed these opinions had stated to him, in reply, that there were people who saw the matter in a very different light, and who believed that the Constitution of the country was, somehow or another, bound up in the younger child having nothing and the eldest taking all the property of his father. The Bill now proposed referred only to cases of intestacy. Now he thought that if a person died without a will, the law might at least be allowed to assume that he would have done that which was most just and consistent with parental feeling to all his family. The

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law took that view of the case with respect to personal property, and there was no reason why the law should not assume the same in cases where real property was in dispute. One effect of an alteration in the present state of things would be to make land more accessible to a large portion of the population than it was at present. The whole question was one which he felt as difficult to argue at any length, or with any force, as he would do if required to argue for or against the multiplication-table—a subject upon which all were agreed. It appeared to him to be a great proof of the depravity of our system, that this relic of feudal times and of the prejudices of past ages should still remain on the Statute-book, and that it should be the duty of any Member to propose in the present day an alteration in the law in this respect. The opinions which he held with respect to this subject were, he knew, the same as those which were widely spread among the middle classes of the country, while the contrary feeling prevailed chiefly among those who had profited by the present mode of settlement and entail, and a very miserable class of persons, not of their rank of life, but who aspired by all means to attain to their elevation and to get into the same circle. He hoped that the noble Lord the Member for London would permit this Bill to be brought in. It did not propose to do much, but he believed it would be received as a great boon by many families throughout the country.

LORD JOHN RUSSELL said, that he had no objection to offer to the introduction of the Bill; but, with respect to the question itself, he could not agree to some of the propositions which had been laid down by the hon. Members who had spoken on it. He must reserve to himself the right of taking such measures as he might think proper on the future stages of the Bill.

*Leave given.*

Bill *ordered* to be brought in by Mr. Locke King, Mr. Phinn, and Mr. Haclfield.

Bill read 1<sup>o</sup>.

#### PUBLIC PROSECUTORS BILL.

MR. J. G. PHILLIMORE said, he would now beg to move for leave to introduce a Bill to appoint public prosecutors. As he believed there would be no objection to the introduction of this Bill, he should not feel it necessary to detain the House any great length of time by going into the reasons which had induced him to

bring it forward. The Bill had for its object to simplify and facilitate the course of public justice, which had been hitherto in a most discreditable state. Under the present neglected state of our law, after the proceedings before the magistrate closed, it was left often to the ability or zeal of a private prosecutor whether the greatest criminal should be brought to justice, or whether he should, as was too frequently the case, escape with impunity. There was little doubt but, if the Bill became law, the country would be relieved from great and unnecessary expense; for under the present state of things, frivolous prosecutions were of frequent occurrence, by which expenses were multiplied exceedingly. Arrangements of the most scandalous kind were frequently made between the attorney who had charge of the prosecution, and the policeman who was bound to prosecute, and it constantly happened that the policeman did not discharge his duty, and was induced to overlook some material part of the evidence, and the criminal was thereby suffered to escape. He might quote two or three instances, which were of public notoriety, as strong proofs of the scandalous state of the existing law. The House must well remember, that a great trial took place in this country some years ago, which ended in a manner perfectly ridiculous—in a manner indeed, which would disgrace a Court of Quarter Sessions. He alluded to the case of a nobleman who was tried some years ago on a charge of fighting a duel. He did not mean to say that there might not have been very valid reasons for the acquittal of that nobleman, but this he would say, that the failure of the prosecution, for no other reason than that there was no identification of the person shot at, though there were two or three hundred individuals present, who could easily have identified him, was such an event as could not have occurred if the management of the case had been entrusted to a public prosecutor. He might instance another case, in which a person of high position was indicted and convicted of obtaining money under false pretences. A new trial was moved for, on the ground of the improper reception of a witness; but the prosecutor was poor, and could not support the expense of a new trial. Had there been a public prosecutor, it would have been impossible that so scandalous a thing could have occurred. The object of the present Bill was to withdraw from

sphere of private animosity, caprice, and revenge that which ought never to be left to such chances, and to see that justice was properly administered. The main provision of the Bill proposed that the Crown should distribute the different circuits into a certain number of divisions, and appoint to each division a public prosecutor, who should hold office upon the tenure of good behaviour. In addition, he also proposed the appointment of district agents to collect and examine evidence, to transmit all cases to the public prosecutor for his opinion, and also to conduct the proceedings before the magistrates. He had thought it proper to add another clause to the Bill for the security of innocence, and he proposed that it should be in the power of any prisoner to send to the public prosecutor a list of the witnesses he proposed to call, not as to character, but those merely who could speak to any facts the prisoner thought material for his defence. The expenses of such witnesses should be allowed upon the certificate of the Judge that the witnesses were material. Nothing was more painful than to hear a wretched prisoner twenty miles away from home state before a Judge—"I could have called such and such a witness to prove that I was in such and such a place, but I am poor, and could not afford it, and the expense of remaining in an assize town is more than my friends could bear." Such a state of things was improper, and called for amendment. He had been reading carefully the sections in the *Code Napoleon* upon this subject, and he found that in France the Procureur General summoned, at his own risk, the witnesses of a prisoner, except those who were called to speak to character. In the preliminary discussions which took place upon that point, and in which the Emperor joined, the objection that was urged against that course was the danger of jobbing being perpetrated in calling witnesses as to character. To remove any objection of that nature, he (Mr. Phillimore) proposed that the expenses of a prisoner's witnesses should not be allowed, except upon the certificate of the Judge. He now wished to allude to a point in which the assistance of the district agents would be particularly valuable, and that was in acting as superintendents of the local police. He did not think the police were worse than any other body of men, but they often had temptations to act in an oppressive and violent manner, and those temptations were not always resisted. He thought it of the ut-

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most importance that the minds of the English people should retain that love for the administration of justice, and that confidence in their own security, for which they had hitherto been distinguished from the people of other countries. The violence and oppression of the police in some cases tended very much to sour and poison the minds of the people, and he would, without mentioning names, quote an instance of improper conduct upon the part of the police, which occurred not long ago in London. The facts were these:—Two persons were disputing about a very old relation, and, in the absence of one, the other brought a constable and took away the relative in question, the policeman threatening to take into custody any servant who dared to leave the house or interfere in the matter. That was a state of things which ought not to be endured, and, if it could happen in London, it was much more likely to occur in remote districts. For the reasons he had now given, he thought there should be a change in the administration of the law; and that means should be taken to put the law itself upon a sounder, more liberal, and more enlightened footing, so that it should be enabled to correspond better with the exigencies of the age. They should not be content with making the Sovereign the nominal prosecutor, but they should recollect that a criminal offence was an offence against society, and that society was bound to interfere in administering justice to the offenders.

SIR JOHN SHELLEY seconded the Motion.

MR. HUME said, he fully approved of the measure proposed by the hon. and learned Member (Mr. Phillimore). In Scotland public prosecutors were appointed, and he had long been of opinion that the practice, if introduced into England, would be attended with great benefit.

THE ATTORNEY GENERAL said, the subject which his hon. and learned Friend had brought before the House was one of great importance, and Her Majesty's Government certainly felt that an opportunity ought to be given to his hon. and learned Friend to bring in a Bill, in order that the matter might have ample discussion. At the same time, giving his hon. and learned Friend all the credit due for the measure he proposed, he did not think it was so perfect and complete as might be devised. He was ready to give the most careful consideration to the measure, and



he took this opportunity of saying that the matter was now under the most serious consideration of Her Majesty's Government, who felt that the principle of appointing a public prosecutor ought to be adopted.

MR. NAPIER said, he must express his approval of the principle of appointing a public prosecutor, but he thought the object of the hon. and learned Gentleman might be attained without any statute whatever, as in Ireland, where Crown solicitors were appointed upon every circuit to conduct prosecutions. He thought the assistance of some properly-appointed person in investigating a case previous to bringing a party to trial was a matter for important consideration. He considered that a prosecution ought not to be left to the caprice or malice of a private prosecutor, who would not have the same responsibility and interest in arriving at the truth as a public prosecutor, but who would be frequently actuated by indirect motives. There were certain matters which he would suggest for the consideration of the House if the Bill came before them for further discussion. He thought that a plan should be devised which would make the system in this country act in complete harmony with that of Ireland, and he believed it of the greatest importance, whenever it was possible, to have a common system of procedure for both countries. In Ireland there were Crown solicitors for the circuit, and sessional prosecutors also, who were attorneys. Crown barristers prosecuted on the circuit, and had Crown solicitors under them. The circuit staff managed the most important business, and the sessional staff that of a more local character. It was his decided opinion that in the appointment of public prosecutors the public ought to have the best assistance that could be procured, and that it should be properly paid for. While on the subject of the administration of justice, he would beg to draw the attention of the House to the office of coroner. Speaking of Ireland, he could say that most unquestionably when the coroner interfered with the criminal department, justice was almost invariably obstructed. There was a great want of preliminary investigation by medical men in cases of a certain nature before they were sent for trial, and in many cases where parties had been convicted, it had been subsequently proved that no crime had in reality been perpetrated. With regard to coroners' inquests, during the last twenty years, about

50,000 had taken place in Ireland, in no one of which had the course of justice been assisted, but in more than one it had been seriously obstructed.

MR. HADFIELD said, he approved of the Bill proposed by the hon. and learned Member, and thought that in any measure to be adopted provision should be made for having offences tried nearer the spot where they were committed, than they were at present.

MR. STUART WORTLEY said, he rejoiced at the intimation which had been given by the hon. and learned Attorney General that this question, which he regarded as one of great importance, was under the consideration of Her Majesty's Government. They had many precedents and examples of institutions analogous to that which his hon. and learned Friend (Mr. Phillimore) proposed to establish, of public prosecutors. Without going to France or any foreign country, it was only necessary to refer to the machinery for carrying on the criminal jurisprudence in Ireland and Scotland, to find instances of the existence of such institutions. But with regard to the modes in which the preliminary investigation in criminal cases was conducted in the two countries, he must say that the mode pursued in Ireland was not such as to induce him to prefer the course indicated by his hon. and learned Friend (Mr. Napier) of refraining from legislating in the matter. And he altogether objected to the proposition of placing in the hands of the Attorney General of the Crown so large an amount of patronage as would attach to that office if the appointments were all left in his hands. Of the two examples which had been adduced of public prosecutors in Ireland and Scotland he certainly preferred that of the country with which he was connected, where the duty of making the preliminary investigation was in the hands of an officer known to the Scotch law as the procurator fiscal, who reported the result of his examination to the advocate depute in Edinburgh—an officer appointed by the Crown, and upon whose responsibility the prosecution was carried on or not. The necessity of some such measure for this country, no one who had had any experience of the administration of our criminal law could, he thought, for a moment doubt, for nothing could be more scandalous and mischievous than the negligent manner in which criminal prosecutions were at present conducted, nor anything more scandalous than the defeat of

justice in numerous cases that consequently resulted. His experience had also taught him that prosecutions were, in too many instances, brought for the mere purpose of gratifying animosity and revenge, and that in others corrupt motives induced their abandonment. Under these circumstances, he thought legislation on the subject absolutely necessary. With regard to the other point that had been referred to—the assisting of prisoners who had not the means of employing counsel, he must say that that was a subject of great difficulty, and he would not then dwell upon it, nor would he suggest to what extent the Government should go in remedying the evil. But he agreed with his hon. and learned Friend that nothing could be more painful to a judge or to the bystanders than to hear that a defence which might be true was behind, but that the prisoner at the bar, for want of means, could not adduce it. With these views, he congratulated his hon. and learned Friend in having drawn public attention to the subject. He believed that this was the only country in Europe that stood in the disgraceful position of having no public prosecutor. It was ludicrous to suppose that the coroner stood in the position of a public prosecutor, for, instead of assisting, he feared, as had been stated by his right hon. and learned Friend (Mr. Napier), that these functionaries often stood in the way of public justice.

MR. HENLEY said, he rejoiced that the subject had been brought under the consideration of Parliament. He quite agreed with what had been said by the right hon. and learned Gentleman (Mr. S. Wortley), that the system that prevailed in Scotland was a better one than that which prevailed in Ireland. As regarded the giving the prisoner some means of defence, he did not object to the arrangement upon principle, but the matter required to be carefully looked into, and due precautions taken for the proper administration of justice. As regarded the office of coroner, he must observe, that he did not quite agree with the remarks of his right hon. and learned Friend. The coroner did not stand in the light of a public prosecutor, his duties were of a totally distinct nature, and he should not like to see the office done away with. In many cases where a crime had been committed the preliminary investigation before the coroner was calculated to further the ends of justice. As regarded the measure of the hon. and

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learned Gentleman (Mr. Phillimore), he hoped to see it carried out to a successful issue.

MR. PHILIPPS said, he wished to add his testimony as regarded the value and importance of this measure to what had been stated by the hon. Members who had preceded him. He confessed he was rather alarmed when he heard that a measure of the present character was under the consideration of the Government, as the legal reforms they had undertaken had seldom come to anything.

MR. ROSS MOORE said, although they had in Ireland a public prosecutor, yet his experience of the working of the law had convinced him that the system was defective in one important and essential particular, the not providing a proper machinery for the preliminary investigation of cases brought forward for trial. The result had been that justice had been defeated, and that criminals had escaped in cases, where, if the machinery for the prosecution had been properly organised, the result would have been conviction. He would, at the same time, beg to refer to the mode in which prosecutions were carried on in Ireland, where it often happened, from the improper manner in which they were got up, that the prosecuting counsel only received his brief when the case was called on for trial, and consequently knew little or nothing of the facts and merits of the case.

MR. J. G. PHILLIMORE, in reply, said, he was grateful for the manner in which the measure had been received by the House. He was delighted to hear that the Government intended to take up the matter, and, under these circumstances, he would cheerfully resign into the much abler hands of his hon. and learned Friend (the Attorney General) the conduct of the measure, his only hope being that the public good might be brought about in any way. His hope was that the time was come when, instead of policemen and jail attorneys, *homines idonei atque integri causam rei-publicæ legumque susciperent*.

Leave given.

Bill ordered to be brought in by Mr. John George Phillimore and Mr. Hume.

Bill read 1<sup>o</sup>.

#### WINE DUTIES.

MR. OLIVEIRA said: Sir, I rise, according to notice, to move—

“That, in the opinion of this House, the present rate of duty charged upon Foreign and Colo-

nial Wines is excessive and impolitic, and that the same be reduced to one uniform rate of 1s. per imperial gallon."

During the course of last Session of Parliament I had the honour of submitting to this House my views and opinions upon the important question of the wine duties, on which occasion I urged upon Her Majesty's Government the expediency, upon many considerations of policy and finance, of reducing those duties from their present prohibitive rate to a point that would bring this useful and necessary auxiliary to modern life into universal consumption.

I was then, as I am now, of opinion, that a large and immediate diminution of the duty upon this "great gift of Providence to man," as the Chancellor of the Exchequer so aptly called it, would, by its increased consumption very soon produce a much larger amount of revenue than it yields at present; and this conclusion is so natural an inference from the results attending the removal of high duties upon other articles that no one in the present day will attempt to contradict it. Another consequence that I ventured to anticipate from a relaxation of the high duty paid upon wine by Great Britain was, that those countries which would benefit by the increased demand for their chief productions, would as well, from motives of reciprocity as from a necessity to supply their wants, become large importers and consumers of the manufactured products of England through the very British shipping that would frequent their ports to obtain wines—thus giving employment out, as well as home, to shipping and seamen of Great Britain. Another and a great benefit I suggested as necessarily to follow, would be that the working community of the United Kingdom would, by the substitution of a wholesome cheap beverage, be improved in their moral tone and general character; for it is universally admitted, that the use of ardent spirits brutalises man, and leads to the commission of crime and its subsequent evils. These, Sir, were briefly the grounds upon which I advocated an immediate and considerable reduction of the wine duties, to which may be added that stimulus to international commerce, and the extension of amicable relations between various countries of the world, which must necessarily flow from this extension of the principles of free trade.

But, whilst pressing my own special views, as applicable to one branch of the

revenue derived from a single article of importation affecting the comforts of the community, I did not hesitate to admit that there were several other subjects which might be urged upon the attention of the Chancellor of the Exchequer, as having prior claims to reduction, being of more domestic and immediate concern to the people, when compared with an article of foreign growth, and as yet little known to the bulk of the community—and even designated by some as a luxury reserved for the upper classes only.

On the one hand, these considerations had their influence upon me: still weightier causes, on the other hand, led me to withdraw till the present Session a trial in this House of the amount of support my proposition would receive. These causes were contained in the reasons adduced by the right hon. Gentleman, who had at that time before him the very onerous and difficult task of producing a financial scheme, at the very commencement of his official career, with a Government but newly formed, exposed to the hostile attacks of an Opposition, discomfited by defeat, and bitter from the signal failure of its own ill-prepared and unpopular budget, when in power.

The reception given by the right hon. Gentleman to my proposal was such as to obtain my ready acquiescence in its withdrawal. For upon that occasion the Chancellor of the Exchequer, though concurring in the general soundness of my proposal, had prior claims upon his generosity, and, looking to the amount of revenue involved, he thought it would bear postponement. At the period when the right hon. Gentleman gave expression to those sentiments, 5th April, 1853, the House was not in possession of his intentions with respect to his general scheme of finance. But, taking these declared opinions as an earnest of the direction in which his policy would tend, I believe that I exercised a wise discretion, as well as a proper confidence in the Administration, by not pressing my motion to a division.

Let me now call the attention of the House to the condition in which we find the question after the lapse of a year; and, as a necessary introduction to that inquiry, I must make some general reference to the state of the national resources at that period, and the course adopted by the Chancellor of the Exchequer in providing for the annual expenditure of the year,

and the causes which, in my opinion, led him to postpone (I hoped till this present Session) a reduction of the wine duties.

On the 18th of April last the Chancellor of the Exchequer submitted to the House his general statement of the finances of the country, in a speech which all who heard it must admit to have been one of the most comprehensive and masterly compositions ever pronounced in this House. If its composition and its effective delivery were of the highest order, it must be considered likewise as one of practical and minute detail into all the branches of revenue and sources of taxation, examining, in a masterly spirit, all the complicated and varied items of our national income and expenditure—readjusting with a critical and fair discrimination many branches of revenue hitherto unequal in their operation, and effecting so many reductions and total removal of duties and taxes, that whatever disappointment I might have felt at the wine duty being left where it was, I conceived that the same genius and energy which dictated the reductions then proposed, would in due time be applied to a source of wealth only requiring to be developed by a large diminution to render it one of the most productive contributors to the national income. Upon the last occasion when I had the honour to address the House upon this topic, I presented a detailed table, showing that the wine duty had remained stationary in amount for the last twenty years, notwithstanding the vastly increased wealth that had been acquired in the same period, and that the population had more than doubled. We have now passed through another year of general prosperity, remarkable for the stimulus imparted to consumption in those articles subjected to a reduction of duty. I will take four of these articles most used by the community at large:—

**Cocoa.**—The amount entered for home consumption in

1851—eleven months ending  
Dec. 5, was ... 2,843,755 lbs.

1852 " 3,121,435 "

1853 " 3,898,070 "

Sugar entered for home consumption in

1851—eleven months ending  
Dec. 5, was ... 5,840,040 cwt.

1852 " 6,467,404 "

1853 " 6,824,898 "

**Tea.**—Amount entered for home consumption in  
1851—eleven months ending

Dec. 5, was ... 49,764,193 lbs.

1852 " 51,043,518 "

1853 " 54,507,834 "

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**Coffee.**—Amount entered for home consumption in  
1851—eleven months ending

Dec. 5, was ... 30,170,020 lbs.

1852 " 31,873,462 "

1853 " 34,143,156 "

These figures I extract from the official tables issued by the Board of Trade.

The wine duties produced, as per return No. 817, moved for by my hon. Friend the Member for Lambeth, Mr. Williams:—

In 1851 ... £1,821,123

" 1852 ... 1,776,247

" 1853 ... 1,795,013

Showing the languor which still affects this article as regards revenue, notwithstanding the remarkable increase in other consumable items.

The period when other reductions and alterations in duties, as the stamps and assessed taxes, have taken effect is too limited to be able to form any correct data as to the ratio of increase; but it is obvious that all consumable products have been largely enjoyed by the people all over the kingdom: a result as gratifying in its effect upon the comfort of the population as it is clearly an indication that these wise and just removals of imposts must have had their favourable action in many ways, and through various channels upon the revenue of the country. And taking the aggregate reduction upon articles subject to duty or excise, as stated by the right hon. Gentleman himself in October last, at two millions, there was in the quarter ending at that period a sum of four hundred thousand pounds over the same quarter in the preceding year, and the surplus upon the past year is of a most encouraging character.

The right hon. Gentleman last year removed all the impediments which stood in the way of this question. First, he reduced the duty upon tea by a scale of gradual diminution which, whilst it will give time for the production of increased supply, and not suddenly disturb revenue, will, in its beneficial and commercial effects, be felt and appreciated in every cottage throughout the land. The same may be said with reference to the total removal of the excise upon soap—a most objectionable and impolitic tax—and felt to be a grievous burden to the masses of the people. I will not detain the House by going into an analysis of the numerous articles upon which the right hon. Gentleman either abolished or reduced import duties, by which commercial affairs have been facilitated



and benefited, and vexatious restrictions abolished. Neither will I occupy unnecessary time by dwelling upon the advantages of the reduction in the stamp duties or other topics, not immediately connected with this subject, except as proving that the Government has most clearly adopted the principle of reduction in the amount of duties, with a view to their increase, and that the increase has followed as a corollary to the proposition in every case where it has had time for fair development.

During the interval which has elapsed since this House last met, I have given my exclusive time and attention to the study of this question in all its varied and complicated bearings. I have done this from a conviction of the grave responsibility which attaches to the disturbance of any great commercial subject embracing, as this does, interests vitally affecting private enterprise, the investment of large capitals, the negotiations and productions of foreign countries, and a considerable branch of the imperial revenue. I view with a due regard the precautions to be observed by a public man in venturing to carry on an investigation into topics of this serious and important nature—and I hope to be acquitted from the charge of premature and inconsiderate discussion by this House and the public.

Having a due regard to all the interests concerned; looking to the revenue of the country; taking into account the mercantile firms whose fortunes are invested in this trade; considering the advantages likely to accrue to many branches of English industry; looking also to the benefits that may ensue through the increased intercourse with foreign countries; and being convinced of the immense results that we may anticipate in improving the social and sanitary condition of the people by an immediate and very large reduction in this duty—viewing, on the other hand, the evils which now prevail, as shown by the trade being a virtual monopoly, the poisonous compounds drunk by the community under the name of wine, the adulterations of home-made articles, and substitution of British wines, whereby the revenue suffers to a prodigious extent—I have thought it expedient—nay, incumbent—upon me to use my most strenuous efforts to obtain a final decision upon the question this Session. My total independence from party in this House or in public, and the support which this question has elicited from gentlemen of all political views, and all

sections of the community out of doors, encourage me in the vigorous prosecution of the design.

Having a cause of such undoubted soundness, admitted by the leading statesmen of the day to be ripe for discussion and prompt action, and being personally free from any motives but those of advantage to the country, benefit to the revenue, and the paramount considerations of extended international good, combined with the comfort and ultimate amelioration of the British people, I confidently and most earnestly anticipate a favourable and a final determination of this great question on the part of Her Majesty's Government.

In illustration of the various heads of inquiry, I will briefly give the House some few facts from which I have drawn my conclusions.

Taking first in order the financial bearing of this question. I think the startling results shown by the tea, coffee, sugar, Post Office, and other heads where large reductions have taken place, must convince all unprejudiced minds that the same result will naturally follow with wine; and although it will be necessary to consume six times the present quantity, I adhere to my opinion of last year, that in two or three years that would be accomplished.

[The hon. Member here referred to the evidence of Mr. Shaw, Mr. Forrester, Mr. Porter, Mr. Redding, and others, before the Committee of 1852, showing that the revenue would be vastly increased by the reduction of the duty.]

I find in the *Montreal Weekly Herald* of September 3, 1853, the following curious facts respecting consumption. Perhaps the most remarkable article in our catalogue, however, is wine:—Annual British consumption of wine per head, two and a quarter pints; annual Canadian consumption of wine per head, five pints. Here we see a very large consumption of wine in the province, when it is considered that the calculation is made per head for the entire population. It is probable that the difference in this respect is caused by the comparative lowness of the provincial duties upon the cheaper description of wine, which enable them to be used freely in Canada by classes who only taste wine as a rare luxury in England, where the duties are so contrived as to keep out all but the high-priced wines.

There is so general a concurrence of opinion amongst all practical impartial judges upon this point, that I think I may

safely dismiss that branch of the inquiry without further observation, with the conclusion, that the House will admit with me, that the revenue, after an interval, would recover itself to the same or a greater amount.

It may be well to make a passing reference to a point intimately connected with revenue—I mean the subject of British wines. This branch of commerce has been on the increase for many years past, and the annual consumption of these wines is calculated at more than 600,000 gallons. Many of these wines approach so nearly to the appearance and character of foreign wines, which they imitate, that a very large quantity of British port, sherry, and champagne are so consumed, by which, of course, the revenue suffers. This is particularly the case with champagne made of foreign grapes, having foreign labels and corks.

The manufacture of this wine is carried on to a large extent in many parts of the country, especially at Reading and at Leeds, as well as at the manufactory of Messrs. Walker, of Goswell Street, who have a very large demand for these wines. The very obliging head of this establishment told me some time ago that their business was increasing to such an extent that it was necessary to add a 20,000-gallon vat to their establishment. This gentleman was examined before the Committee of 1852, and said that his sales were 45,000 gallons per annum, of which 10,000 were British Port, and 9,000 gallons British Sherry. So that, assuming other British manufacturers to sell an equal proportion of these imitations of foreign wines, they displace an equal quantity of duty-paying wine, and there is a loss of 50,000% to the revenue, without taking into account the champagne, by far the most generally consumed, but of the amount of which I have no accurate data. Mr. Walker was of opinion that if the wine duties were gradually reduced from 5s. 9d. per gallon to 2s. per gallon in four years, existing interests would not be injuriously affected.

I will now solicit the attention of the House while I endeavour to enter upon the second branch of this inquiry, though, probably, the first and all-important in its effects and consequences—I mean, the social, the moral, the sanitary bearings upon the community, and the operation thereby effected upon our national character. Sir, I think the day has gone by

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when any Minister will declare in this House—even one enjoying the deserved esteem and popularity of the right hon. Gentleman—that the moral and social character of the people are matters of indifference, and that he desires to raise revenue, though it be from sources which tend to the vice, the demoralisation, and the debasement of the people. The right hon. Gentleman will, I am sure, both from his own kind nature, and his large experience, advocate an opposite theory.—[The hon. Member here read extracts from the evidence of Mr. Porter and others, showing the better moral condition resulting from the use of wine instead of spirits.]

It is well known that this is the case on the Continent, where wines are produced, and generally consumed by the people. My experience, which extends over very many years, has led me to observe that you rarely witness any symptoms of intoxication amongst the lower orders of these countries—and when Englishmen of the same class go to these countries, they form the exception. This is strikingly the case with British seamen, when they land in foreign parts where wines are cheap.

In the large manufacturing towns of France, I was informed on a recent tour, that the working classes drank wines in moderation; that drunkenness and spirit-drinking were scarcely known. Referring to the great uses and benefits derived from wine in a sanitary point of view, it is impossible to enumerate the immense number of advantages to the human frame which this great production of Providence yields to man. In the course of my inquiries throughout this and other countries, I find one universal opinion amongst gentlemen of the medical and surgical professions, that the use of wine, whether as a general supporter of the system, as a tonic, as a restorative after sickness, or to fortify and strengthen the constitution, may be considered as the safest, the most efficacious, and the most beneficial in its results; and it is a remarkable circumstance, that in the course of a pretty active communication with those learned professions, both personal and by correspondence, I have met with universal support, numbering, as I do, amongst my general committee a list of distinguished names, which shows the lively, disinterested, and practical interest which that learned body take in the question; all the more valuable, that it is free

from the most remote suspicion of interest or prejudice.

The right hon. Gentleman himself has, in my estimation, passed the strongest commendation upon wine as a useful article in the general economy of man's dietary, when he said,

"Considering that wine was one of the great gifts of Providence to man, considering what a place it occupied among the means of subsistence, considering how many useful and wholesome ends it subserved in connection with his physical temperament, considering the manner in which it may be used as a competing article with alcoholic spirit, he must confess that it was most desirable, if it were possible, to make an important change in the duties upon wine."—[3 Hansard, cxxv. 634.]

Pliny says—

"Vino aluntur vires sanguis calorque hominum."

With respect to the use of wine and spirits, the great chemist, Liebig, says:—

"Spirits, by their action on the nerves, enable a man to make up the deficient power at the expense of his body. He draws, so to speak, a bill on his health, which must always be renewed, because for want of means he cannot take it up. He consumes his capital instead of his interest, and the result is the inevitable bankruptcy of the body.

"Wine, as a restorative, as a means of refreshment when the powers of life are exhausted, of giving animation and energy where man has to struggle with days of sorrow; as a means of correction and compensation when disproportion occurs in nutrition, and the organism is deranged in its operations; and as a means of protection against transient organic disturbance, wine is surpassed by no product of nature or of art. The nobler wines of the Rhine, and many of those of Bordeaux are distinguished above all others by producing a minimum of injurious after effects. In no part of Germany do the apothecaries' establishments bring so low a price as in the rich cities on the Rhine, for the wine is the universal medicine for the healthy as well as the sick; it is considered as milk for the aged. The commercial value of wine is directly proportioned to its immediate effects, and inversely proportioned to its disagreeable after effects."

The senior surgeon of Middlesex Hospital said:—

"Every one experienced in the medical treatment of the sick, knows the great value of wine properly administered. Its healing effects are more marked in them than in the rich. In many lingering illnesses, when the stomach will scarcely tolerate food or medicine, we rely principally on wine for preserving the life of the patient. In an hospital, the wine merchant's bill is always a serious item of expense. In the Middlesex Hospital the average daily number of patients is 250; the average annual consumption of wine is two pipes. Speaking for myself, were wine cheaper, I should prescribe it more frequently than I do, in lieu of porter or spirits."

I will take the liberty of reading a short but very expressive letter from my hon. Friend, the Member for the West Riding, on being applied to as to the best mode of "opening the trade in spirits:—

"In reply to your inquiry, I venture to suggest that the best way of dealing with the monopoly of spirits is to abstain from drinking them, which for upwards of twenty years I have done. Depend on it, they are nothing better than slow poison, even if taken moderately. What they are when taken in excess, the records of our gaols, lunatic asylums, and coroners' inquests will inform you.

"I am, Sir, your obedient servant,

"RICHARD COBDEN."

The consumption of spirits (*Porter's Tables*) in the three Kingdoms by the adult population is per head per annum—

England	...	...	2½ gallons.
Ireland	...	...	3½ "
Scotland	...	...	11½ "

I will now offer a few remarks upon the international question; admitted on all hands to be of paramount importance. There are two branches to this part of my inquiry, the one referring to commercial relations and extended facilities for the consumption of British goods, the other to the cordial and peaceful understanding so necessary to consolidate the balance of power, as well as to strengthen the alliance of Western Europe for the maintenance of great and pacific principles.

I feel assured that I shall command the warm support as well of this House as of the community at large throughout this great country, in venturing to hope that the most sincere and intimate alliance may continue to exist between our powerful neighbour and ally, France; more than ever necessary in the present critical times, as a barrier against lawless aggression, to promote the restoration of peace.

I can speak from personal observation, obtained by a recent visit to that country, of the earnest desire amongst the leading statesmen and many public bodies, to see a cordial, lasting, and indissoluble alliance between the two greatest countries in the world, alike remarkable for their advanced civilisation and steadfast adherence to the great cause of peace. I believe it will be found that the Government of the Emperor of the French are most willing to reduce their tariff as regards the importation of British goods.

I would refer to the recent decree affecting coal and iron in proof of this policy. A reduction upon raw cotton has also taken

place, and all materials used in the construction of ships were about to be admitted duty free, as well as foreign ships admitted into French ports upon a footing with French ones. These two last subjects have, however, been postponed, but will, I trust, be carried ere long.

I am privileged to say, from conversations I had with M. Drouyn de Lhuys, French Minister for Foreign Affairs, M. Ducos, Minister of Marine, and M. Magne, Minister of Commerce and Public Works, that the policy of the French Government is that of progress in the sense of free trade, and that their commercial views are those of strict reciprocity and mutual reductions as regards Great Britain.

The same sentiments were conveyed to me by the French Minister, Count Walewski, and I hope under the present aspect of affairs, so great an occasion will not be allowed to pass of proving to France our sincerity and our resolutions to stand firmly together, as that which would be accomplished by a spontaneous, immediate, and large reduction of duty upon the chief production of that country.

I know nothing that would have a more favourable effect upon the feelings of the French people towards us—nor would anything tend so much to strengthen the hands of the French Government in bringing about those reductions upon our goods which they are anxious to effect.

I believe that Irish linens, pottery, and other articles, will be considered with reference to this reduction. There can be little doubt that both Spain and Portugal, through the introduction of railways, and the more frequent intercourse with this country, are gradually improving in the knowledge of the principles of commerce; and that we may anticipate, at no distant date, enlarged facilities for British consumption in both those countries. At all events, our proceedings with reference to this question, so interesting to their agriculture, must awaken a feeling of activity which will add to the energy of the party of progress and enlightenment in the Peninsula. The commercial and international benefit from these sources will be fully understood by the House. Germany is already a great customer to the English manufacturer, and fully entitles herself to all our generosity with respect to her wines. No difference of opinion exists in this House as to the advantages to be derived from an extension of the principles of free trade; and this subject is one of the most

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legitimate and fertile branches of that doctrine.

A somewhat controverted subject still remains for me to touch upon. I mean the amount of supply necessary to meet our extended requirements, and the capability of that supply being largely increased. As this is a matter upon which some highly respectable members of the trade have some apprehensions, I have fortified myself with all the most correct and reliable data, to prove, as I think, incontestably, the sources of supply to be inexhaustible, the capability of increased produce boundless and illimitable. Nay, further, taking our increased consumption at a maximum, the apprehension of a deficiency is chimerical and absurd. Although this subject is necessarily one of detail, in which I fear the House will take but little interest, I must ask for its kind indulgence, whilst I endeavour to go as quickly as the importance of the inquiry will admit of, into the relative capabilities of produce and supply of the great wine districts of Europe, which may be enumerated as follows:—Germany, France, Spain, Portugal, Sicily, Greece, and the Ionian Islands. [The hon. Member here read at great length a correspondence which showed the products of these countries to be enormous, and their capabilities illimitable.]

The hon. Member proceeded: I hope from these evidences, to which I could add many more, that those parties who feel so keen an apprehension of our not obtaining a sufficient supply, will be convinced, this never could be a serious question of anxiety, but has been adroitly imported into the discussion as an element to divert the unwary from the real point at issue. Upon similar objections being raised as to the supply of tea, what said Dr. Bowring the other day at Manchester. The learned Doctor said:—

“ I recollect well the time when the East India Company, representing the most powerful monopoly which has ever been constituted, declared by their advocates, both in and out of Parliament, that the removal of that monopoly and the destruction of that privilege of which they were the holders, would tend to the destruction of the China trade. At that time the export of tea from China was about 33,000,000 lbs., and it was represented that it was only to the influence of that huge body that that great quantity could be obtained, that prices were kept at a moderate rate, and that the quantity was secured for the British consumers.

“ Now, gentlemen, that monopoly, great, gigantic, and powerful as it was, was overthrown by the greater power of public opinion, and by the energetic demands of intelligent commercial men.



When I left China she was not only able to export 33,000,000 lbs. of tea, but 100,000,000 lbs. in the year 1852, and not only has the price not been raised, but it has been considerably lowered to the British consumer, and so far from their being any deterioration of quality, I venture to say that no better teas have ever come into the markets of the world than those which have been produced under this diminution of price, and this augmentation of demand.

"Some alarm had been expressed, he was told, if we opened the tea trade more fully, lest there should be an insufficient supply; but he could assure them that there was no fear of that. The quantity used here was but a drop in a bucket to what the Chinese themselves used, and to what was necessarily produced. He had no fear that China would be able to supply any amount of tea we might require."

Now, Sir, I believe that I may say everything of wine which has so well been said by Dr. Bowring of tea. At all events, with the evidences I have adduced, the supply, according to present cultivation, stands as follows:—

	Galls.	Pipes.
Germany and		
Austria .....	545,041,666	equal to 5,450,416
France .....	900,000,000	" 9,000,000
Spain and Portu-		
gal .....	600,000,000	" 6,000,000
Italy and Greece		
(say).....	100,000,000	" 1,000,000
	<hr/> 2,145,041,666	<hr/> 21,450,416

Or 21,450,416 pipes to meet the general consumption of the world, ours at present constituting a mere fractional part of that prodigious quantity. I, therefore, dismiss this branch of the subject from my mind—accompanying it with a fervent hope, that, as the development of the yet virgin sources of production in this branch of agricultural enterprise couples with it the noblest aspirations of man in his moral and social improvement, the enlarged international relations between the civilised nations of the world, and the fruitful advantages to the marvellous commercial activity of our own great country, my humble efforts in this great cause will induce the Government to dismiss all trade interests, rivalries, and party considerations in the treatment of this important national question. An important point still remains for consideration, and one involving a financial question of some magnitude. I allude to the large amount of money that has been paid by importers upon their stock in the belief that no alteration of duty would take place, and, as the members of the trade allege, distinctly pledged to be refunded to them by Treasury Minute of July, 1843, confirmed by that of

1852. As to the precise conditions under which these Treasury Minutes were issued, whether during treaty negotiations only, or as a permanent safeguard to the importers in the event of a reduction of duty, I will not take upon me to say, but after having looked carefully into the peculiar bearings of this trade, the necessity of keeping large stocks in hand for many years, and the large capital invested in stock, as well as in duty, I am clearly of opinion that neither this House nor the right hon. Gentleman, the Chancellor of the Exchequer, would ever sanction a principle so at variance with sound policy, with equity, or with that confidence which should always exist between Her Majesty's Government and the commercial interests. I am the more induced to press upon the Chancellor of the Exchequer a liberal and just settlement of this question, because I am led to believe that it is the only grievance felt by the trade, and that if some arrangement could be made for the adjustment of this point, the trade would concur in any alteration that might be made in the duty, thus giving their active co-operation in making up a temporary deficiency of revenue by their exertions to obtain increased importation and enlarged consumption.

I have now completed my task, and, although but imperfectly, I have brought before this House the leading features of this great question, in its connection with commercial freedom, revenue, its bearing upon our relations with foreign countries, and the claims which it has in a moral point of view.

I have occupied a far greater portion of the time of this House than I had contemplated, and I beg to express my grateful feelings for the indulgence which has been so fully granted me. However defective my statement of this large and complicated subject may appear, I feel that its own intrinsic importance will have justified me in the course I have adopted. Due regard for the revenue, and the susceptibility of the trade, induced me to think that it was my duty to enter upon the inquiry thus early. I now appeal to this House in the cause of that freedom of commerce which all parties have affirmed. I appeal to the sacred interests which are involved in an extension of commercial relations with the countries of Europe, more especially with that great country, in whose firm alliance with us rests the peace of the world and the advance of civilisation. I appeal to the improved condition of the middling and industrial classes,

that may arise from weaning them from the use of those strong and exciting drinks, which, whilst they stupefy and degrade the people, add millions of expenditure to the criminal and judicial proceedings of the country; and I boldly ask the Chancellor of the Exchequer, in the real advocacy of these anticipations, to forego, for a short period, a small amount of revenue, which will benefit the country in so many other ways. Although I have thought it my duty to press the consideration of this question upon the attention of Her Majesty's Government, especially in connection with our French alliance, I confess that, looking to the increased estimates required for the public service, I shall leave the entire subject with the right hon. the Chancellor of the Exchequer, in the confident hope that he will do whatever he may consider most to the interest, the honour, and the permanent welfare of the country. I shall, therefore, beg leave to withdraw the Resolution.

MR. SPEAKER: The hon. Member has set a precedent, which I hope will not be followed. He has spoken at considerable length, and has left the House with no question before it to which a reply could be made.

. Motion, by leave, *withdrawn*.

#### IMPORTATION OF GUANO.

COLONEL BLAIR said that, in pursuance of a Motion he had given, he begged to call the attention of the House to a subject which, whatever might be the feeling in England, was most seriously regarded in Scotland; he alluded to the present state of the guano market of this country. He believed hon. Gentlemen were most probably aware that the late Government received deputations from Scotland, and he had no doubt from England also, on this subject, as there was then a very general feeling that the guano islands did not rightly belong to the Peruvian Government; it had, however, been since admitted that they undoubtedly did, and this feeling had consequently ceased. This country, therefore, having no power to seize on these islands, it was left for its supply of guano entirely dependent on a system which he could but call one of the most grievous monopolies that had ever existed. Within the last few weeks, he might state, a despatch had been received from the Admiral commanding on the Pacific station, in which it was stated that the supply of guano on the Chincha Islands,

*Mr. Oliveira*

belonging to the Peruvian Government, could not last longer than eight or ten years. If this were the case, he could only say that the farmers in his part of the country, and he believed those of England also, would find it very difficult to procure a substitute for it. He was glad, however, to find that, from a statement made a few days since in the *Times*, a better account was given of the supply, which was said to be 8,000,000 tons, and, from a report made by a French engineer on behalf of the Peruvian Government, the supply was estimated to exist, sufficient to supply this country, at the present rate of importation, for a century to come. Now, if the latter opinion was at all well founded, or if it were so far true that an increased supply of this invaluable article of manure could be procured, it would be of the greatest possible benefit to agriculture and to that of the population generally, from the great increase that the application of guano gave to the producing power of the land. He thought that House would consider this question one well deserving the attention of the Government. He had called the present system a grievous monopoly, and he would state why: some eight or ten years ago the Peruvian Government made arrangements with, and appointed Messrs. Gibbs and Bright their sole agents in this country, so that no ships received a supply of guano unless chartered by this firm; the consequence was, that at present the guano market was closed. He had received a letter from a friend in East Lothian, stating that, in answer to his request to be supplied with 400 tons of guano, Messrs. Gibbs and Bright had said that the demand having been greater than supposed they could not supply him. He also had good authority for stating that, to meet the extraordinary demand at Liverpool, there were but 1,500 tons on hand, although the orders in that place alone amounted to upwards of 8,000 tons. He could not avoid alluding to the impetus that the present state of things gave to companies in endeavouring to procure an article that would answer the same purposes as guano, and the serious situation the Peruvian Government and Peruvian bondholders, who were entirely dependent on the guano supply for their payments, would find themselves in, should an article be produced that would be sold for 5*l.* per ton instead of 11*l.*, the present price for guano. That which gave the greatest importance to this question was its connection

with the food of the people. He could only speak, from his own experience of Scotland, of the benefit derived from guano, though, he believed, it had been attended with similar results in England. He would beg to read the following extracts from the *Journal of the Royal Agricultural Society of England*, on farming in East Lothian:—

“The acreable produce of this county has been greatly increased from two causes, thorough drainage and application of guano; without its aid, manure for the breadth of land growing root crops could not have been obtained. The average produce of wheat, from the two causes combined, would have been raised not less than eight bushels an acre. If ten were named it would not exceed the real increase. Barley and oats have been increased at least twelve or fourteen bushels; beans by eight bushels an acre.”

The following was a statement by Mr. Brodie, a gentleman well known to all connected with East Lothian:—

“The amount spent on guano in this country is very considerable; there are several farmers who purchase guano annually to the extent of 1,000*l.*, and 400*l.* to 600*l.* is a common expenditure. The produce of the county has been greatly increased since the introduction of guano. Mr. J. Brodie is of opinion that guano has increased the average quantity of the wheat crop seven bushels an acre.”

He would now read a calculation made by a gentleman whom the House would regard with all respect and consideration as an authority on this subject. The calculation he had alluded to was made by Mr. Caird, and was to the following effect:—

“Taking the annual imports at 150,000 tons, the value of guano to this country may be reckoned equal to an annual increase, beyond the natural produce, of 10,000,000 bushels of wheat, more than the whole wheat produce of Scotland.”

The President of the United States in his Address declared that measures had been taken to secure a more abundant supply of guano for that country. This showed the importance that Government attached to this subject, and he trusted that Her Majesty's Government would also take such steps as would enable the agriculturists of this country to procure a more easy and abundant supply of guano than they at present are enabled to do. He would now beg to read an extract from a letter written on this subject by one who had devoted to it much of his time and attention. He said:—

“Perhaps nothing could show more strongly the disadvantage to all parties in this country of the system in which the trade is at present conducted than the fact that, so great are the annoyances to which shipowners are subjected by the

English monopolist agents, that nearly one-half of the 70,000 tons imported into the United States in 1853 was carried in British ships. To accept a charter from that house, while other freights are good, is a kind of last resort, there being many fine British vessels now lying at the Chincha Islands, worth 20,000*l.*, which have been kept lying there for 80 days and upwards and can't get loaded—the arrangements are so absurdly restrictive. A scarcity of shipping is therefore no sufficient plea for the present short supply. Had the 30,000 tons of British shipping which carried their cargoes to the United States been encouraged to come home, as they naturally would have preferred, and if the ships chartered for England received proper despatch in loading, we should have had at present an abundant supply. There seems a general conviction that the effective mode of dealing with this question would be to send out from the British Government some confidential officer in their service on a special mission to Peru. The opportunity should be embraced while that Government is in a transition state; and such an officer, on the spot, and communicating direct with the Peruvian Government, would be able to get beyond the circle of dishonest interposition, and so might succeed in convincing that nation of the enormous loss they sustain by a system which limits the sale of their guano and multiplies restrictions on the trade for the mere object of private gain.”

If by negotiations on this question they could reduce the price of the article, they would confer a boon not only on agriculture, but, by increasing production, they would cheapen the price of provisions in this country. He also wished to ask the right hon. Baronet the First Lord of the Admiralty, whether he had received or knew of any information respecting the discovery of new guano islands, and if any step had been taken to secure them for this country? He would now beg to move for—

“Copies or extracts of any correspondence which the Government have had with the Peruvian Government, on the subject of the importation of guano.”

MR. CARDWELL: Sir, I have only to say, with respect to the Motion of the hon. and gallant Member, that the papers he has moved for shall be laid upon the table. Far be it from me to differ from the arguments in favour of free trade which the hon. Gentleman has addressed to the Government of Peru, and I hope, when that Government comes to see that these arguments fall from Gentlemen on both sides of the House, they will attach more importance to them. Our desire is that those arguments favourable to free importation may have their due weight with the Peruvian Government, and that those advantages may be more fully secured which the hon. and gallant Gentleman shows have

already accrued to British agriculture from the importations that have up to this time taken place. I can only say that every argument which could be addressed to the Peruvian Government on this subject has been addressed to them by the successive Governments of this country. I am prepared to lay the correspondence that has recently taken place upon the table of the House, which will show that Her Majesty's Government is perfectly alive to what they conceive to be the interest of the country on the subject.

SIR JAMES GRAHAM: I rise, Sir, to answer the question which has been put by the hon. and gallant Gentleman (Colonel Blair), and I can assure him and the House that I entirely agree with him in the opinion that there is no matter upon which the agricultural interest of the United Kingdom is more dependent than an enlargement in the supply of guano, the great source of which is at the present moment a monopoly in the hands of the Peruvian Government. I am afraid that no argument which the British Government can address to that of Peru will prevail, so long as they possess that exclusive monopoly. At all events, they will continue to exact the largest possible price for the article. The real remedy lies in enlarging the sources of supply, and I can assure the hon. and gallant Officer that directions have been given to the Admiral on the Peru station that every exertion should be used by the captains of the ships upon that station, if possible, to discover in that quarter some fresh sources of supply. There is another quarter, also, from which we have some hopes of obtaining a further supply of guano; and Her Majesty's Government have accordingly given particular directions to the officers on the station to institute a most minute search; and there are reasonable hopes for believing that some discovery will be made which will enlarge the source of supply.

MR. JOHN M'GREGOR said, he hoped that endeavours would be made to get the Peruvian Government to do away with the monopoly which they had granted to one commercial House; and if they desired to raise a revenue, to raise it upon an export duty, and let the proceeds of that duty be paid to the bondholders. He knew that the President of the Board of Trade in every successive Government had endeavoured by every possible argument to induce the Peruvian Government to give up their monopoly, but in vain. He hoped,

*Mr. Cardwell*

however, that this Government, along with the Government of the United States, would induce the Peruvian Government to substitute an export duty for the present vicious and vexatious arrangement.

*Motion agreed to.*

#### CITY OF LONDON MARKETS.

SIR JOHN SHELLEY said, the subject to which he now begged to call the attention of the House was one of much importance to agriculture, to those who were breeders of animals, as well as to the purveyors and consumers of meat in the metropolis. It related to the mode in which the Corporation of London was about to carry out the "Smithfield Removal Act," and to a clause which he contended had been inserted by the Corporation of London, enabling them to carry out the Act, and build this new market. When the Act passed, the public believed they had got out of the clutches of the Corporation, but, unfortunately, there was a clause in the Bill which gave them the option within six months of taking on themselves the carrying of it out. It was clear that the spirit of the Act was that there should be one great metropolitan market for animals, and attached to it a dead-meat market, and it was the opinion of the trade, that the dead-meat market should be near that for live animals. It was apparently the intention of the Corporation that there should be no dead-meat market near that for live animals, but that the former should be opened on the site of Smithfield. This was opposed to all the recommendations of the Commissioners on the subject, and contrary to the Act itself. But unfortunately the Corporation on the very last day of the six months allowed them, took on themselves, much to the regret of the meat producers, the carrying out of the market, having shown their ignorance on the subject by the models they produced before a Committee of the House of Lords, which did not give the necessary space for animals. Fortunately the 39th section of the Act gave power to the Home Secretary, if it seemed desirable, to interfere with the proceedings of the Corporation in carrying out the market. Now, what was the Corporation going to do? It appeared that Mr. Taylor, the chairman of the Corporation Markets Committee, a wholesale ironmonger—not the person apparently most fitted to deal with a meat market—was summoned before the Commission of Inquiry into the Corporation of London. He (Sir J. Shel-



ley) should perhaps have left this question to the Commissioners, as had been done by the Coal Tax Committee, in the hope that they would report in reference to the tax on coals in such a manner as to prevent the Corporation having any further control over those funds; but it happened that the Commissioners had no power to report as to what was to be done with the meat market, and his object now was, that the Home Secretary might do something to put a stop to any evasion of the Act. Well, Mr. Taylor stated in his evidence with regard to the meat market, that under the sanction of Mr. Secretary Walpole, the Corporation had purchased the largest quantity of land they could obtain, and afterwards, under the sanction of the noble Lord the Home Secretary (Lord Palmerston) had tried to obtain more, but had not been successful. Mr. Taylor then proceeded to inform the Commission how it was proposed to apportion this land, stating that the model on the table "showed a space of fifteen acres allotted for bullocks and sheep, the present market being only six acres and a half." Now he maintained that it was impossible, at the present rate of supply, to put the animals into the space allotted for them except by the greatest cruelty and injury to the animals, and consequently at the expense of a great waste of food; but how could it be expected that these gentlemen, who it was proved before the Lords' Committee did not know the size of a short-horn, should be able to make the proper arrangements in a case of this nature? It was worthy of remark that the Corporation had purchased the land at Copenhagen Fields at a much cheaper rate than otherwise they could have done in consequence of its not being bought as building land; but now when they had got possession of the land they were about erecting on it taverns and public-houses. He (Sir J. Shelley) was sorry to see that one of the Commissioners—Mr. Cornwall Lewis—had said to Mr. Taylor, "that it was impossible the Corporation could have done more than they had," which would tend very much to encourage the Corporation in their proceedings, who never went out of their way to do anything for the public good. Mr. Taylor was delighted with this, and went on to say, that it was proposed to erect "taverns and public-houses" on the ground, which would be very valuable; and that on the land which the Corporation had stated was only intended for pens and stalls. The trade were of opi-

nion that the building of taverns and public-houses within the market would be a nuisance; and that all that was necessary in the way of taverns would spring up in the neighbourhood, and that the only buildings within the market should be the branch banks and other offices for the transaction of business. Mr. Taylor also said that in the seventy-eight acres which had been purchased, there would be space for a hide market. Now there was no necessity for a hide market to be near the meat market. Mr. Taylor calculated that the produce of the market to the Corporation would be 14,000*l.* a year on an expenditure of 300,000*l.* Looking to the increased consumption of meat, and the facilities of transit projected by railroads into the market, and the improvement in agriculture and breeding, there must be an enormous increase of animals, for which it would be necessary to provide space. Mr. Taylor afterwards stated "that in course of time it was proposed to erect a dead-meat market in Smithfield, Newgate market being a great nuisance." It seemed extraordinary that such an attempt should be made in the teeth of the provisions of the Act of Parliament, and that a dead-meat market was to be established in Smithfield; but it turned out that if Smithfield was not used as a market, it reverted to the Crown, and the Corporation would lose the site unless by some dodge they retained it; and this they proposed to do by depriving the metropolis of that space which would afford air, health and exercise to the inhabitants. He (Sir J. Shelley) thought it his duty to bring this matter before the House, in order that it might be seen, that if the evidence of the Chairman of the Markets' Committee was correct, it was the intention of the Corporation to commit a breach of faith, and to elude the provisions of the Smithfield Removal Act. The public looked to the Home Secretary to exercise the power given him by the 39th section of the Act, and it was desirable that the noble Lord's attention should be directed to the matter before the proposed taverns and public-houses were erected, so that a market worthy of the metropolis should be obtained. The noble Lord the Home Secretary had so often acted in a manner conducive to the public welfare, that it was only necessary to point the matter out to him; and he could assure the noble Lord and his Under Secretary that the public looked to them for protection against the

Corporation of London. He would therefore beg to move for—

“Copies of any Correspondence which may have passed between the Government and the Corporation of the City, in reference to the providing a dead-meat Market in conjunction with a live-stock Market at the new Market in Copenhagen Fields.”

MR. FITZROY said, that the document on which the hon. Baronet had founded the greater part of his speech being at present only an *ex parte* statement laid before the Commissioners, now sitting to inquire into the state of the Corporation, was not one upon which any legislative proceedings could be founded in that House. To obtain such a force it must be accepted by the Commissioners, and incorporated by them as evidence in their Report. There was no man, he was bound to say, who was better acquainted with the whole question of the removal of Smithfield market than Mr. Cornewall Lewis, and certainly any observation which might have fallen from him was worthy of attention, for the House was aware of the active part he had taken in carrying the Bill through the House. There could be no objection to the production of the correspondence desired by the hon. Baronet, though he must warn him that the answer would be *nil*, since no correspondence on the subject had taken place between the Home Department and the Commissioners. It appeared, however, that no meat market could be established by the Corporation until the situation of it had been approved of by the Secretary of State for the Home Department. The site of Copenhagen-fields had been approved of by the Secretary of State for a cattle market; but, so far as he was aware, no application had been made to the Home Department with regard to the sanctioning of a site for a meat market. Therefore, if there was any plan in contemplation of turning what was the site of Smithfield into a meat market, it would have to be laid before the Secretary of State for the Home Department for approbation, and the promoters of it would have to show that the public interest would be benefited thereby before they could carry it out.

MR. STUART WORTLEY said, that as the Corporation of London was at present passing through a most searching inquiry before a Commission, as to its constitution, and the personal character of its body, he did not consider it worth his while to answer the greater part of the

observations which had been made by the hon. Baronet the Member for Westminster. With regard, however, to the charge made by the hon. Baronet that the Corporation were ignorant of the size of a short-horned beast, and could form no idea of what accommodation to provide for them, he would only refer the hon. Baronet to the Report of the Commissioners, in which he would find the testimony of Sir Harry Verney, the breeder of one of the largest short-horned beasts ever known, and Mr. William Miles, a name not unknown in agriculture, where the plan of the Corporation was spoken of in the highest terms, as being most convenient, and conceived in a comprehensive and liberal spirit. The hon. Baronet blamed the Corporation for not having undertaken the duty of removing the market, except at the last moment which was allowed them, and then only to serve their own purpose. He (Mr. S. Wortley) was willing to take upon himself any blame which could attach to this transaction, for he had advised the Corporation to undertake the responsibility as a public duty, feeling that, on the whole, the Corporation had been well treated by Parliament; and, though many of the Corporation were of opinion that they could not carry it out without loss, yet the task was undertaken on public grounds only, and for the benefit of the public. With regard to the evidence of Mr. Taylor, at present it was but a newspaper report, since the official evidence was not yet printed, and, consequently, was not the kind of evidence that House was in the habit of proceeding upon. Now the real state of the facts was simply this:—The Committee of the Corporation, looking to the suggestions and recommendations of the Commissioners on the subject, had desired the City architect to make a plan and estimate for the erection of a meat market upon the old site of Smithfield. If that plan were adopted by the Committee, it would have to be reported to the general body representing the Corporation of London—the Common Council, and there discussed and decided upon before any further proceedings could be taken on it. If, in the meantime, it should be found that any such proceeding was inconsistent with the Act of Parliament, of course, that would materially affect any decision upon the subject, and the greatest respect and deference would undoubtedly be paid to any suggestion or intimation which might be made by the Government on it.

*Sir J. Shelley*

MR. PACKE said, he hoped that the Corporation would turn their attention to the propriety of changing the market day from Monday to Tuesday. In former times, when cattle were a long time on the road to market, perhaps the Monday market did not so much matter; but, now that a few hours was sufficient to bring them to market, the change which he had mentioned would not only be a great advantage to the feeder of beasts, but also to consumers. Many of the constituency which he represented were the largest cattle feeders in the kingdom, and it would be a great advantage to them if they could take their fat cattle straight from their fields into the market, instead of having to keep them in London over Sunday.

*Motion agreed to.*

#### ALLEGED CORRUPTION OF IRISH MEMBERS.

MR. I. BUTT said, he would now beg to move the appointment of the Committee agreed to on Tuesday last, and to whom is to be referred the complaint of the paragraph contained in the *Times* of last Monday week. He would name fifteen hon. Gentlemen as the Members.

SIR JOHN YOUNG hoped the hon. and learned Gentleman would not insist on the Committee consisting of fifteen members. There could be no doubt that it was the wish of everybody that there should be a full, fair, impartial, and searching inquiry; on that point there could not be a second question. It was equally true that Her Majesty's Government, as a Government, had no interest whatever in the question, inasmuch as it alone affected the honour of the House. The allegations which had been made simply amounted to this—that the Government having granted the nomination to an appointment to some one, that nomination had been sold. The only question, then, was, had the person who made the nomination sold it or not? That was an inquiry which touched the honour of the House, and it therefore was incumbent that a most searching investigation should be set on foot, in order either that the guilty party might be discovered, or, if no person had committed such an act, to affix the guilt upon those who, without due inquiry, or without probable grounds, had put forward so very grave a charge on imperfect information. Well, then, a searching investigation being the object in view, he thought it better to

have a smaller number on the Committee, binding those, however, who were nominated to a daily continuous attendance. Such a course would be much better than appointing a Committee of fifteen, some of whom might or might not attend, as, for instance, himself, his duties rendering a daily attendance out of the question. For his part he thought that no one put upon the Committee ought to give his vote unless he had heard the whole of the evidence. For, let it be remembered, it was most important to observe the demeanour of witnesses, the mode in which their testimony was delivered, and how they acted while under cross-examination. Now, that could not be done without a continuous attendance. He hoped, therefore, that the hon. and learned Gentleman would yield to his suggestion that the Committee should consist of nine members, and that it should be impressed upon those gentlemen that their attendance should be continuous. He understood, however, that the hon. Gentleman would meet with great difficulty in reducing the numbers to nine; that being so, he (Sir J. Young) would not object to their standing at eleven, but on the consideration that the quorum should be fixed at nine; and also that if any gentleman was forced, either by illness or press of business, to absent himself from attendance on the Committee for two days, that that gentleman should no longer consider himself a member of the Committee, and that he should not be entitled to vote at the termination of its proceedings. There might, perhaps, be some difficulty in reducing the list offhand, but if the hon. and learned Gentleman would do him the honour of conferring with him (Sir J. Young) on the subject, probably the desired reduction could be brought about. For himself, speaking not as a member of the Government, but as an Irish representative, he earnestly hoped that if the charges which had been made were well-founded, that they might be brought home to the guilty quarter, and that the individual might meet with all the discredit which he merited. On the other hand, however, he trusted that, if the charges were groundless, the disrepute of having alleged such gross calumnies, without sufficient inquiry, against the whole body of Irish Members, would be attended with lasting disgrace.

LORD HOTHAM said, he hoped that he, at least, might be released from at-

tendance on an inquiry of so painful a nature. When the hon. and learned Gentleman proposed his name originally, he (Lord Hotham) had informed him that he thought, having done his duty last year on a Committee of a very peculiar and painful character, that he was entitled to exemption on the present occasion, but that, as he had belonged to a profession which never shirked its duty, he would have no objection to be placed on the Committee, if the hon. and learned Member wished it. From what had previously passed he was led to believe that the Committee would consist of but five members; it seemed now, however, that it would be more extensive. However, be its numbers what they might, or no matter what its composition, he would beseech the House to lay it as an injunction upon each and every Member to be constant in his attendance. He hoped, also, that, whether eleven or nine, no quorum would be allowed, for the inquiry was a most important, as well as a most painful one.

MR. MUNTZ said, he was quite ready to admit the importance of the inquiry; but he wished for a clear definition of what was meant by a continuous sitting. If they were to sit continuously for a month, it would certainly be excessively inconvenient to him to do anything of the kind, otherwise, however, he had no objection to serve on the Committee.

MR. I. BUTT said, he thought the House ought to be very much obliged to the right hon. Gentleman opposite (Sir J. Young) for the course which he had taken. It was quite plain to the House that he (Mr. Butt) had had the advantage of a personal conference with the right hon. Baronet, and he believed that he had perfectly satisfied him that he had not pressed his original Motion without good reasons for doing so. At the same time he was now quite prepared to acquiesce in reducing the number of the Committee to eleven, though he still thought, notwithstanding what had fallen from the noble Lord (Lord Hotham), that it would be more convenient to fix a quorum of nine. For otherwise, perhaps, even on their very first day of meeting, when necessarily their business would be but little beyond a formal character, they would be obliged most inconveniently to adjourn in consequence of the absence of one of their Members. With regard to the necessity of constant attendance, he trusted it would be unneces-

*Lord Hotham*

sary to enforce that, or that if any Gentleman should be absent during the delivery of a portion of the evidence, that he should thereupon cease to be a Member of the Committee. But as to effecting a reduction in the Committee, that was a task which fell rather invidiously upon him, for there was not a single gentleman on it whom he had not personally solicited to serve. For himself, he would be perfectly delighted to be relieved from the task of serving; indeed, he had several times wished that he had never taken the matter up. Looking, however, to the names, for instance, there was that of the hon. and learned Attorney General, who doubtless would find it impossible to attend daily. He also found that the hon. and learned Member for Clonmel (Mr. J. O'Connell) had personal reasons for not wishing to serve. Then, again, there was his right hon. and learned Friend below him, Mr. Napier, who, though perhaps the most valuable name on the Committee, was still the last appointed to it. And that evening, the hon. Member for Dorsetshire (Mr. K. Seymer) had informed him of his inability to serve on the Committee, in consequence of his having been made Chairman of another. That would seem to bring about the required reduction.

SIR JOHN YOUNG said, he quite agreed that, as far as the House itself was concerned, it did not very much matter from what side the Members were appointed. But he was afraid that, if the Committee were to stand as thus constituted, it would not bear an impartial aspect in the eyes of the public, as there were perhaps too many gentlemen from one side of the House. He would, therefore, advise the hon. and learned Gentleman to postpone the nomination of the Committee until to-morrow, when an opportunity would be afforded of substituting some names. He must say it would be very difficult to find any name more calculated to inspire general confidence than that of the hon. Member for Dorsetshire (Mr. K. Seymer).

MR. I. BUTT said, he would consent to allow the nomination of the Committee to stand over until to-morrow, when the question would be taken up again as an adjourned debate.

MR. EVELYN DENISON then moved the adjournment of the debate.

*Agreed to.*

The House adjourned at half after Nine o'clock.



## HOUSE OF COMMONS,

*Wednesday, February 15, 1854.*MINUTES.] PUBLIC BILL.—1<sup>o</sup> Edinburgh Police and Improvement.

## RE-DIVISION OF EXISTING POOR-LAW UNIONS—QUESTION.

MR. H. A. BRUCE said, he begged to ask the right hon. President of the Poor Law Board, whether, in the event of the Bill now before Parliament becoming law, whereby the charge of maintaining the destitute poor would be cast upon Unions instead of parishes, it was intended that the practice of the Board with respect to the re-division of existing Unions should be relaxed, so as to render such re-divisions more easy of attainment than they had hitherto been?

MR. BAINES: Sir, in reply to the question put to me by my hon. Friend the Member for Merthyr Tydvil, I beg to remind him, that by the 7 & 8 Vict. c. 101, s. 66, there is already a power in the Poor Law Board of separating any parish or parishes from a Union, or of adding any parish or parishes to a Union. Heretofore this power has been very seldom exercised, because it was always attended with inconvenience, and sometimes with injustice, by disturbing existing arrangements; but if the Bill which I have obtained the leave of the House to introduce should receive the sanction of Parliament, the Poor Law Board would probably think it their duty to avail themselves of this power more frequently for the purpose of obviating cases of injustice, such as those which were mentioned by my right hon. Friend the Member for Morpeth (Sir G. Grey). Having pointed out what the existing law is, I have only to state that, if my hon. Friend the Member for Merthyr Tydvil should think the provisions as they already stand are not sufficient for the purpose, I shall give my very best consideration to any proposition he may think it necessary to make with the view of rendering the operation of the Bill as fair and as just as possible.

The House adjourned at half after Twelve o'clock.

## HOUSE OF LORDS,

*Thursday, February 16, 1854.*MINUTES.] Took the Oaths. — Several Lords.  
PUBLIC BILLS.—1<sup>o</sup> Testamentary Jurisdiction.

## TESTAMENTARY JURISDICTION BILL.

THE LORD CHANCELLOR: I rise, my Lords, pursuant to a notice which I gave some days ago, to call your attention to the state of the law relating to testamentary matters. I cannot but feel that, after the exciting topics which have engaged your Lordships' attention on more than one evening, it will be a very difficult task on my part to arrest your attention on a subject so dull, so stale, and so unexciting as that which I feel it my duty now to bring before you. But dull and uninviting as it is, I believe it to be one of most essential importance, and therefore I am sure that I shall not in vain invite your attention to it. The subject of the testamentary jurisdiction of this country is one which has been considered by the Legislature, and every successive Government, for a period of now more than twenty years. It has been from time to time admitted that the law on that subject is in a most unsatisfactory state, that it requires the intervention of the Legislature, and that some remedy ought to be found for evils of a very practical and pressing nature. In order that I may not be supposed to be providing a remedy, if remedy it may be, for evils which are merely imaginary, I will, with the permission of the House, state what I conceive to be an outline of the evils, or of some of the evils, now existing with respect to our testamentary jurisdiction. In a very early statute—as long ago as the time of Edward I.—it was stated as admitted law, that the cognisance of all matters testamentary belonged to what was then called "holy Church"—in other words, that it was matter of ecclesiastical cognisance. That, I think, is of itself a very anomalous and a very unfit state of the law. There is no more reason why the jurisdiction as to wills should be matter of ecclesiastical cognisance than why the same courts should also entertain matters relating to deeds, or any other questions relating to the transfer of property. But if it were merely that there was this apparent anomaly—that the state of things actually existing does not square conveniently with our theories on the subject—I should have thought that at no time, and certainly not at the present time, would it have been fitting to have occupied your Lordships' attention with an attempt to remedy an imaginary and apparent inconvenience. But that is not the case. The evils of which we have to complain are not imaginary. When it is

said that the cognisance of testamentary matters belongs to holy Church and to the ecclesiastical tribunals, what your Lordships are to understand is practically this—that the question whether an instrument which a deceased person has left behind him is or is not a will, may be entertained and decided by no less than 386 tribunals scattered over the Kingdom. There is in every diocese the diocesan court of the bishop, and—I do not know whether in all dioceses, but certainly in many—there are a number of other minor courts—commisary courts, archidiaconal courts, and courts of what are called “peculiars.” It would be idle for me to attempt to define or explain the precise nature of these courts, and of the distinctions which exist between them. It is sufficient to say that in every diocese there exists a diocesan court, and that in most dioceses there are besides a number of other minor courts, from all of which appeals lie to the diocesan court. Besides these, there are, in a great number of districts throughout the country, tribunals of a much smaller jurisdiction—courts belonging to lords of manors, courts called royal peculiars, and other anomalous courts, all having a very petty jurisdiction. The whole of the courts referred to amount, as I have already stated, to the enormous number of not fewer than 386. From the diocesan courts there is an appeal to the supreme court of the province in which the diocese is situated; which, in the province of Canterbury, is called the Court of Arches. There is also a court belonging to the Archbishop of Canterbury called the Prerogative Court, which, in certain cases, has jurisdiction over all the dioceses in his province. Now, the very existence of such a number of courts is a state of things fraught with the greatest practical evils, arising from a variety of causes that will immediately suggest themselves to any one who considers the subject. In the first place, there is the multiplication of appeals; and then—a much more serious evil—there is the uncertainty that often exists as to what are the limits of each jurisdiction. The result of a mistake on this point is, that if you have gone to the wrong court, you will probably have proved your will before a tribunal which will be found to have given you no title whatever under it. Not only is there this evil arising from uncertainty as to the boundaries of the several jurisdictions, but doubts, as must naturally be the case, arise as to who-

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ther one of these minor courts has or has not jurisdiction at all; and if it has not, then your probate is either void or voidable. Now, it is quite obvious, that that alone would furnish a reason why it is the duty of the Legislature to interfere. But that is not all. Very often there are contested matters with reference to the proof of wills that involve delicate and difficult investigations. There are subjects which it is exceedingly difficult to deal with, even in the Prerogative Court of the Archbishop of Canterbury; how then can it be expected that in these little petty tribunals there can be functionaries competent to deal with any questions not of the most ordinary character. It would be absurd to imagine it for a moment. Besides that, the original wills have to be preserved; and there are few of these small jurisdictions that have proper places to preserve these most important documents which regulate the title of property from generation to generation. The consequence of their being thus dispersed, and of their being entrusted to persons who are almost irresponsible for their safe custody, is, that original documents of the highest importance are no doubt sometimes lost. This appears to be of itself quite sufficient, if there were nothing more, to warrant me in saying that this is a subject which it is the bounden duty of the Legislature to attempt to regulate. But even suppose that all these minor courts were got rid of, and that there remained only the Prerogative Court, and the court of each diocese—you will have got rid of some of the difficulties, but by no means of all; because there would still remain this question:—In which Court is it that you should prove your will? For instance, a party dies in the diocese of Worcester or in that of Oxford. Is his representative to prove his will there, or in London? On what does that depend? On this question—Whether the person who dies has left what are called *bona notabilia* out of the diocese—that is to say, whether he has left property to the amount of 5*l.* out of the diocese in which he dies. Even that, however, is matter of doubt; for some lawyers think that there are only *bona notabilia* if the deceased has left property to the value of 5*l.* out of the diocese in which he dies; while others believe that all that is requisite is that he should have left property in two dioceses worth in the whole 5*l.* It is obvious that it must often be most difficult to determine what property a man has left out of the diocese. For instance,

if a person dies in the diocese of Worcester, and somebody in that of Hereford owes him 5*l.*, that would constitute *bona notabilia* out of the diocese, because a simple contract debt is supposed to be in that place where the debtor is that owes the money. Again, the deceased may have a bond, the obligee of which may reside in the diocese of London or Lincoln; then if he has died in the diocese of Worcester, that bond constitutes *bona notabilia*. But, further even than that; he may be a trustee under some friend's marriage settlement, and as trustee of that settlement, perhaps, he has a term of years, a mortgage, totally unknown to his representatives; it is at least a matter of doubt whether even what is called a mortgage term, which he holds merely as a trustee, does not constitute *bona notabilia* out of the diocese. That is what lawyers call a *vexata quæstio*; it is not quite settled; but the mere doubt is a great evil, and is quite sufficient to show that there is an evil requiring a remedy. What, then, is the consequence if, a testator having *bona notabilia* out of the diocese in which he dies, his executor proves his will in that diocese? That the probate is an absolute nullity, and that third persons are dealing with a person no more competent to give a receipt than a mere stranger. The whole proceeding is void, and may not only involve the executor in great embarrassment, but may lead others into embarrassments not less grievous or oppressive. But suppose that, in order to obviate these difficulties, an executor takes upon himself to prove the will in the Prerogative Court of the Archbishop of the Province—what is the result then? The prerogative probate is, of course, good, if there are goods out of the diocese. It is not void, even if it should turn out that there are not. But it is voidable if this can be proved; and a suit may be instituted to compel the executor to recall the prerogative probate, and to prove the will in the diocese in which alone the deceased left goods. These are evils of the present system which lie on the surface; but there is still another which I conceive to be of a very pressing nature—and it is this. Be the jurisdiction with one of these courts or with another, they have not cognisance of the whole subject which, in substance and truth, should come before them. I allude to the distinction as to the cognisance of wills of real, and of those of personal, property. It would be rather a speculation for an antiquarian than for a practical person to attempt to investigate what were

the causes which originally gave to the ecclesiastical courts the cognisance of any testamentary matters; but one thing is quite certain, that they never had cognisance of testamentary matters as to real estate, that is, as to real estate technically so called. For, if I have an estate in a parish of one half of which I am owner in fee-simple, while I have in the other only an interest for 1,000 years—a sort of interest which is well known to lawyers, and which practically is just the same as a fee-simple—the ecclesiastical courts will have cognisance of the one half, and the temporal courts of the other half, although to the eye the whole property looks the same, and though it is essentially of the same value. This is obviously a distinction of an entirely artificial nature, arising from the refinements in our laws, and it is certainly an evil which we ought to remedy while we are about reforming the law. This is not an evil of an imaginary character, for observe what may happen, and indeed what has happened from time to time. The ecclesiastical courts having cognisance of personal property, and the temporal courts of real property, it may happen—and indeed has happened—that an ecclesiastical court has determined a particular will to be or not to be, as to the personal property; a valid will, while the temporal courts have decided just the contrary with respect to the same piece of paper, in so far as related to the real property. That did happen once in a case mentioned by Lord Hardwicke: the ecclesiastical courts decided that the will was good because the testator was of sound mind; and, afterwards, when the same will was brought in question in the temporal courts, it was decided that he was of unsound mind, and that the will was defective. The same thing happened again in the present century, in a case mentioned by Dr. Lushington. It might also have happened in a case in which my noble and learned Friend behind me (Lord St. Leonards) was counsel, and to which he referred in the able address which he made in this House early in the last Session. In that case the ecclesiastical courts held the will to be bad because the testator was subject to monomania; probate was refused, and the personal estate did not pass under the instrument called his will, but went to the next of kin. The same will embraced also bequests of real estate; and facts were brought before lawyers not connected with the ecclesiastical courts, and particularly

before my noble and learned Friend, which sufficed to satisfy them that there was nothing to show that the testator was not perfectly competent to dispose of his property, and they, therefore, advised that the will should be supported and insisted upon before the temporal courts as to his real estate. The parties, however, upon this compromised the matter; and the conflict which might otherwise have probably arisen between the decisions of the two Courts did not take place. Is not this a very improper and a very anomalous state of things? It is, too, a state of things which cannot be remedied in the present state of the law, because there is no common court of appeal from the two jurisdictions. If two different tribunals were to decide upon the same matter, but eventually the proceedings before each conveyed to one higher Court, there might be inconvenience, but there need not be any eventual inconsistency in the administration of the law. Now, however, a person who is dissatisfied with the decision of the ecclesiastical court, can only go to the Judicial Committee of the Privy Council; and a person who is dissatisfied with the decision of the temporal courts can only appeal to your Lordships' House. In the case mentioned by Lord Hardwicke an appeal was brought before the House of Lords, who were satisfied that the will was either good or bad—I forget which—but just the opposite of that which was decided by the ecclesiastical courts; and application was made to the House to make an order against the ecclesiastical courts—but they said at once that they had no jurisdiction, and so the matter rested. I think I have now shown your Lordships evils not of an imaginary nature, not such as mere theorists may find fault with, but such as press practically on Her Majesty's subjects, and render it at least not inexpedient that we should attempt to find a remedy for them. This has been felt to be the case for more than twenty years, and attempts to remedy this state of things have been made from time to time; and I must say, as I remarked last year with reference to the Charitable Trusts Bill, that it is a marvel how those attempts, so often made for this long period, should have uniformly failed. In July, 1830, just after the accession of his late Majesty William IV., a commission—prepared just before the death of George IV., but interrupted by that event—was issued to functionaries of the highest character and distinction in the

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country, to inquire into the jurisdiction of the ecclesiastical courts, more especially as to wills. The Members who composed that commission were persons to whose opinions the country would naturally be inclined to pay an almost reverential deference. Amongst them were the Archbishops of Canterbury and York, the then, and I am happy to say also the present Bishop of London, the then Chief Justice Lord Tenterden, Chief Justice Tindall, and Chief Baron Abinger; Sir Christopher Robinson, the Judge of the Court of Admiralty; Sir John Nicol, the Judge of the Prerogative Court; Dr. Lushington, and Sir Herbert Jenner Fust. To them was referred the investigation of this difficult subject. There was at the same time an inquiry pending by the Real Property Commissioners, who also undertook to investigate this point. The Ecclesiastical Commissioners having pointed out some of the evils to which I have adverted, recommended as a remedy the abolition of all the ecclesiastical courts so far as wills were concerned, except the two courts of the provinces—the Prerogative Court of Canterbury and that of York. It is not difficult to discover that, although they did not recommend the step, they inclined to the abolition of the York court also; thus, in fact, constituting only one court, the Prerogative Court of Canterbury, and giving to it the sole jurisdiction on this subject. There were probably reasons which induced them to abstain from recommending the York court. In these two courts, then, the Commissioners recommended that all wills, whether relating to real or personal property, should be proved. They made recommendations also as to matters of detail, and the mode of trial, which it is not necessary to refer to. In the following year the Real Property Commission to which I have adverted, consisting of some of the eminent lawyers of the day—my noble and learned Friend the Lord Chief Justice (Lord Campbell) was at the head of it, and there were a great number of others, all being persons most highly skilled in real property law—took this subject into their consideration. They made a report, recommending the abolition of all the ecclesiastical courts in matters relating to the probate of wills; they did not, recommend, however, the same mode of amendment as that suggested by the Ecclesiastical Commissioners. They recommended that all wills should be simply registered, unless there was some dispute about them; and that in contentious cases all the busi-



ness should be transferred to the Court of Chancery, as being the best tribunal to settle them. They made their report in the year 1833, the Ecclesiastical Commissioners having reported in 1832. At that time my noble and learned Friend behind me (Lord Brougham) held the Great Seal, and with the vigour which, on subjects of legal reform, has ever characterised him, he introduced a Bill, I believe in the same Session, for carrying that report, with some modifications, into effect; but that was the year of the actual passing of the Reform Bill, and it is not to be wondered at, therefore, that amongst more important concerns the ecclesiastical courts were forgotten. At the end of the year 1834, Sir Robert Peel came into office, and one of the first things that was done by Sir Robert Peel's Solicitor General, Sir Frederick Pollock, was to introduce a Bill to carry into effect those recommendations with more or less modification. Sir Robert Peel's Government only lasted for a few months, and my noble and learned Friend, who succeeded as Attorney General either took up that Bill or introduced a Bill which was attempted to be passed, but without success. Lord Cottenham succeeded to the Great Seal, and in the year 1836 introduced a Bill, which, however, did not succeed. It was introduced in this House, and read a second time; whether it went to the Commons I am not sure, but at all events, it did not pass; the fact was believed to be this, that there were such influences against those Bills, from the number of persons whose interests were or were not supposed to be affected by them, that it would be useless to attempt to pass them. This, too, was probably the reason that no further attempt was made for some time. No further attempt was made while Lord Cottenham held the Great Seal at that time. Sir Robert Peel again came into power in 1841, and it was announced in the Speech from the Throne, at the commencement of the year 1842, that the measure of a reform of the ecclesiastical courts would be taken up by his Government. A Committee of your Lordships' House was appointed to inquire into this subject, and a report was made of an elaborate character, which was communicated to the other House, and the Queen's Advocate, Sir John Nicholl, introduced a Bill for carrying into effect some of its recommendations. That Bill was read a second time in the House of Commons, but again adverse influences prevailed, and it was dropped. In the

year 1844 my noble and learned Friend (Lord Lyndhurst) introduced a Bill, but that did not succeed; and in the year 1845 Lord Cottenham, then out of office, introduced the same Bill that he brought in in 1836. It was taken up by Lord Lyndhurst, then holding the Great Seal, and, I believe, passed your Lordships' House, and went down to the House of Commons; but nothing further was done with it, and from that time no further attempt in the way of direct legislation, has, I believe, been made. But though there was no further attempt in the way of direct legislation, my noble and learned Friend behind me (Lord St. Leonards) laid the foundation for legislation by a step which he took after he received the Great Seal. At the end of the year 1850, Lord Truro issued a commission to inquire into the state and practice of the Court of Chancery, with the view of amending it. The Commissioners made an elaborate report in the beginning of 1852, the substance of which my noble and learned Friend (Lord St. Leonards), to the great advantage of the country, embodied in separate Bills and passed into law, and they now constitute the law of the Court of Chancery. But my noble and learned Friend, feeling, no doubt the importance of the subject to which I am now calling your Lordships' attention, thought it would be very expedient to refer to those same Commissioners who had showed themselves so competent, and who had made a report which led to such immediate legislation, this vexed question, which no person had been yet able to solve. And to enable them to come to a correct conclusion, he added to their number several individuals not connected much with the Court of Chancery, but connected with the ecclesiastical courts, in order that, consulting together—the Chancery practitioners and Judges, and the ecclesiastical practitioners and Judges—they might make a report that would enable your Lordships, by following it, either *in toto* or in part, to solve this question. The original Chancery Commission consisted of my hon. and learned Friend the present Master of the Rolls, Vice-Chancellor Wood, Lord Justice Turner, the present Solicitor General, Mr. Justice Crompton, and several other eminent men; and there were added to their number Sir John Dodson, the present Judge of the Prerogative Court; Dr. Lushington, the Judge of the Admiralty Court, and Consistorial Court; the Queen's Advocate, and one or two other

persons connected with the ecclesiastical courts. Those learned Gentlemen were engaged during the whole of the last year in investigating this subject. I was very much pressed, after receiving the Great Seal, in the course of the last Session of Parliament, to proceed at once to call attention to the subject, and to attempt immediate legislation in the course of last Session. And if I may occupy your Lordships by so unworthy a subject as the censure which an individual Member of this House has received, I may say that I encountered repeated attacks because I did not proceed immediately; but I thought it would not be wise or decorous to do so, as the matter had been referred to gentlemen of tried competence, who had shown already that they could construct a good measure. I thought it was more important to wait until we learned the views that were entertained by them on the subject, than to gain a year or six months in the passing of a measure of this kind, which could not be considered of that vital importance that it might not wait for a due season. The Commissioners have made a Report, to which I am now about to refer; and as I am not adhering precisely to their recommendations, but adopting a great portion of them, and varying them in some particulars, I wish to state my reasons for doing so to your Lordships. It should be stated that this report was assented to by all the members of the Commission, except the Queen's Advocate, with whom I have had a long conversation; and though he did not assent to all the suggestions of his fellow Commissioners, he seemed to me to have considered the subject very fairly and honestly. What they recommend is this: They recommend the abolition of the whole existing jurisdictions; and that the whole jurisdiction as to probates of wills and testamentary matters should be vested in a new Court, to be called the Court of Probate, and to be a temporal and not an ecclesiastical court; and they say that in that court every jurisdiction connected with the subject ought to be vested. In the first part of this recommendation—namely, the abolition of all the existing tribunals, and the transferring of their jurisdiction to a civil and not to an ecclesiastical court—I entirely concur. But I do not think that a new court ought to be created, and I have come to that opinion for the reasons which I shall state. My opinion is, that, subject to certain modifications which I shall pre-

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sently explain, by far the safest, and easiest, and simplest, and cheapest course to pursue, is to vest the whole contentious jurisdiction in the Court of Chancery, according to the recommendation of the Real Property Commissioners. I do not mean to say that the Court of Chancery shall have nothing to do with what constitutes now, and always did constitute, ninety-nine out of every hundred cases of the business of the Prerogative Court—that is, what is called the common-form business, or non-contentious jurisdiction; but I propose to deal with it differently from the other business. To constitute a new court in order to decide the contentious business, implies this—that there is a necessity for a new tribunal to work this machinery; but, my Lords, the Commissioners have investigated this subject, and have come to this conclusion—that in the present ecclesiastical courts there is not more (if so much) than sixty days in the year occupied in contentious business relating to wills; and I think, therefore, that it is objectionable, if it be nothing else, to constitute a new court that will have no greater amount of business to perform. To constitute a new court which would only be occupied sixty days in the year, is perfectly unnecessary, and a proceeding, if adopted, that would, at the least, require great explanation. There are four Judges in the Court of Chancery, of original jurisdiction; and if that contentious business can be dispersed amongst them, it would be only an addition of fifteen days' business for each in the year. It is impossible to speak with perfect confidence as to whether the existing staff of the Court of Chancery may be able to absorb that business, and discharge the duties attendant on it with their present functions. My belief is—and I say it from what I know of the present state of the Court, and of the anxiety of the Judges to give the fullest attention to their duties—that it is extremely probable that that contentious business can be absorbed by them. But if it be not so, still, looking forward to the increasing wealth and prosperity that may come upon this country, it may be necessary to increase the Judges of the Court of Chancery. In the process of time, we may have to appoint a new Vice-Chancellor, and the sixty days might be in that way disposed of. At any rate, unless some great advantage can be shown to be derived from having a new court constituted for the transaction of this business

alone, I think the practicability of this business being thus absorbed, is conclusive against the institution of this new court. I confess, my Lords, that, independent of there not being sufficient business to occupy a court, there are other reasons which seem to me to make it extremely desirable that the contentious business of wills should not be delegated to any tribunal that has no other business to transact. I am well aware that in most of the practical transactions of life, it is desirable to have a division of labour; but I am of opinion that in the higher departments of human employment, and more especially in that of judicature, great subdivision of labour is inexpedient. I do not believe that a Judge who never considers any other subject will be so competent to deal with the question as to whether a will was unduly made, or whether undue influence was used by the priesthood, by medical people, by an attorney, or by any others that are able to influence the minds of those less powerfully minded than themselves, as a Judge will be who is in the habit of dealing with that, amongst other questions of wider range, to which his judicial capacity is applied; I am of opinion, therefore, that so far from its being an advantage that only a single class of cases should be submitted to each tribunal, it is a disadvantage. Those who have speculated on the subject may be aware of the opinion of a man, who, though eccentric, had yet very considerable powers of mind—the late Mr. Jeremy Bentham. It was his opinion that there should be no division at all of the judicial tribunals, but that the same tribunals should deal with the question as to whether a man should be hanged for murder, and as to whether a will was properly proved; he thought that every tribunal should deal with every subject. Perhaps that is running the theory to an extent that practically is inexpedient; but I think it is a view of the subject not to be altogether lost sight of. I do not see that there is any advantage in having this new court established. I think it would be of very considerable disadvantage, and, independent of that, there is not sufficient business to occupy it. When it was proposed by those who have heretofore introduced Bills on this subject to have a new court of probate, not connected with the Court of Chancery, but a court in itself, it was attempted to remove the objection to it in a way which was most to be avoided, by imposing upon it duties which are now dis-

charged by the same court that discharges the testamentary business, namely, the disposal of matrimonial causes. Now what possible connection can there be between matrimonial causes and testamentary causes? They were both, though for different reasons, considered to be matters for ecclesiastical cognisance in former times; but when you are constituting a new court, it seems to be the most absurd thing in the world to impose upon it duties of a totally different nature, which you had the option of transferring to another court, merely for the purpose of giving it sufficient occupation. Therefore, I cannot concur with the majority of the learned Commissioners, who recommend the institution of a distinct court to take cognisance of the probate of wills. Having stated why I do not concur with them, I will state what it is I now propose, and what it is of the recommendations of the Commissioners that I have embodied in the Bill to which I ask your Lordships to give your assent. I adopt the recommendation of the Real Property Commissioners of 1833, and I propose to transfer this contentious business about wills to the Court of Chancery. I have stated to your Lordships that that is not the recommendation of the majority of the present Commissioners; but against the opinion of the Commissioners recommending the institution of the new Court of Probate, there is a protest by the present Master of the Rolls, by the present Solicitor General, and by Sir James Graham. Early in the progress of the Commission it was considered that the matters for investigation should not be left totally to lawyers; and two eminent laymen, not then connected with the Government, Sir James Graham and Mr. Henley, were associated with that Commission. Those three Commissioners I have mentioned took the view that I do—that to transfer the business to the Court of Chancery is the simplest and easiest mode of dealing with the subject. But of the other Commissioners, four, namely, Lord Justice Turner, Vice-Chancellor Wood, Sir J. Dodson, and Mr. Justice Crompton, were of opinion that the best thing would be to transfer the business to the Court of Chancery, but with this qualification, that it should be veated in the Court of Chancery as a sort of distinct and separate jurisdiction; something analogous, I imagine, to the mode in which bankruptcy business is transacted by the Court of Chancery, and, perhaps, lunacy. I confess I cannot understand the foundation for

that recommendation; for, if the transfer is to be made to the Court of Chancery, all argument is in favour of making the transference as complete as possible; because by doing so a great many difficulties may be avoided, and a great many advantages may be obtained.

I propose, therefore, to transfer to the Court of Chancery the contentious business; but, as I have already stated, ninety-nine out of one hundred of the entire cases belong to the class of business which is called "common form" business; that is to say, it consists in this—the will is brought by the party interested, probably, to his solicitor; by the solicitor it is brought to the proctor, who submits it to a certain functionary of the court, and great accuracy is necessary to see that all is right. It is afterwards submitted to the deputy-registrar of the court, and the will then passes. If there be any difficulty about it the registrar speaks to the Judge of the court; and if the difficulty cannot be removed, then it becomes contentious, and a Motion is made to the court. What I propose on this subject is this—I propose at once to transfer to the Court of Chancery all the staff as it now exists. I believe that the functionaries discharge their duties satisfactorily, and I believe that all of them should be transferred at once from the Ecclesiastical Court to the Court of Chancery. The business will go on in the usual way, except that it will be under the control of the Lord Chancellor, instead of being under the control of the Prerogative Court. I propose, as the registrars will not have the advantage which they now have of communicating from time to time with the Judge of the court—for that cannot be conveniently done in the Court of Chancery—to constitute one principal registrar, whose business it shall be to superintend all this common-form business, and secure by his experience what has been pointed out by the Commissioners to show the advantage of having the matter in one court—namely, that the court will become acquainted with all the details, and obtain knowledge which otherwise might not be attained. With respect to the disposal of those matters of detail, they must be kept, I think, in a separate office, and not in any of the other offices connected with the Court of Chancery. What then, it may be asked, are the advantages of bringing the business to the Court of Chancery, instead of establishing a separate court, as proposed by

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the Commissioners. I think the advantages are very numerous and very obvious. In the first place, the subject-matter is one with which the Court of Chancery has been eminently familiar from the very earliest times. It is true that the Court of Chancery has not jurisdiction with respect to the proof of wills, but it has the jurisdiction of what is called establishing wills in regard to real estate, and of enforcing the execution of trusts under a will, in regard to personal estate. Another circumstance in favour of transferring this jurisdiction to the Court of Chancery, is, that if any litigation ensue respecting the execution of the provisions of a will, there will be an obvious advantage in having the question brought before the same tribunal that has cognisance of the will itself. It is proposed that hereafter a Bill may be filed to prove the will, and to have the trusts carried into execution, all as one proceeding; and if there be any principle of jurisprudence more necessary than another, and to which, I believe, the public are looking most anxiously, it is this—that there should be as little bandying about as possible of suitors from one jurisdiction to another. My Lords, a great quantity of litigation will be avoided by this means, in this way. Nothing is so common (at least, it very often happens) as to have a Bill filed in the Court of Chancery to protect personal property, respecting which litigation is going on in the ecclesiastical court, for that court has no jurisdiction over the administration of the property *pendente lite*. That litigation may go on for a long time in the ecclesiastical court, and to prevent loss, the practice is to file a Bill in the Court of Chancery, to preserve the property pending the litigation in the ecclesiastical court. The Commissioners evidently had this evil in view when they proposed in recommending the institution of the new Court, and to give them jurisdiction on this subject:—but I doubt whether any newly constituted court will deal with any subject so well as the court that has been in the habit of dealing with it; and that again presents another argument in favour of the transference to the Court of Chancery. But there is another great advantage in having this business transferred to the Court of Chancery. The Court of Chancery is in fact the only court that construes men's wills. A man may, by his will, create a number of trusts, and give certain directions, and the Court of Chancery is the tribunal to construe what



it is he has said, and how that is to be carried into effect. By the course I proposed of making the Court of Chancery the Court of Probate, it will constitute one and the same court—where the will will be proved, and where the construction will be put upon it. It is not alone in order to make matters square that that is an advantage; but, besides, there will be great advantages arising from it, on this ground—that every court of probate must be to a certain extent a court of construction, for, observe, a man makes a will or writes an instrument by which his will is made, and writes another instrument that is called the codicil, and it may be important to consider whether that codicil has or has not revoked the will. That will depend upon the construction to be put upon the language the testator uses in the codicil; the court of probate must construe the will, or rather the codicil, for that purpose, and gets out of the difficulty often in a very inconvenient way—by having a number of papers admitted to probate which cannot stand together, leaving the Court of Chancery to deal with them. All that will be avoided by having the will construed once for all, and that advantage will follow from having the court of probate and the court of construction one and the same. What I say now relates only to contentious business; I have already referred to the mode in which I think non-contentious business should be dealt with. A difference of opinion has arisen with respect to the continuance of proctors, and I propose eventually to get rid of proctors. I know the ecclesiastical authorities stick very strongly by the continuance of proctors, and I do not mean to impute to them sinister motives in doing so. But what they say is, If you let solicitors come into practice, they are a numerous body, and some of them may not be as reputable as they should be, and you run a risk that improper wills will be passed as proper wills; and it is thought proctors remedy that by being a sort of intermediate agents between the solicitors and the court. It is said there are not above eighty proctors who actually practise—that they are known to all the Judges as practitioners—that their faces are known, and that if any of them do anything wrong, they can be immediately found out—and that, it is said, is a security for their honesty in the discharge of their duty. I believe that is a consideration not entirely without weight; but I think it is a great misfortune in attaining something

we ought to attain, if we cannot relieve the public from the necessary inconvenience and expense of having a double set of agents to conduct the same business; and I cannot but believe—when the new system has worked for a few years, and when we have increased, if we think necessary, the number of the officers of the court to check those wills—that the expense of a double set of agents may be put an end to. What I propose is, to maintain for a limited time the proctors; and that after that time the solicitors shall be allowed to practise as well as the proctors; the consequence will be that solicitors will get acquainted with the business of proctors, and proctors with the business of solicitors, and eventually the proctors, as a distinct class, may be entirely got rid of. I do not say that it is essential to the scheme, but I think that some way or other we ought to get rid of such an extraordinary anomaly as the necessity of employing double agency. That is the mode in which I propose to deal with the matter in London. But it cannot be lost sight of that there are persons in the country to whom it may be supposed to be a matter of great inconvenience to obtain probates in London—I mean persons of small property—and to whom, therefore, it may be a great convenience to have an opportunity of proving wills in the country. I believe that is an advantage which is much more doubtful than parties commonly imagine, for, owing to the increased and increasing facility of communication, I verily believe that it is almost as cheap to send a will to London, or to come up to prove it, as if you were living next door to the registrar. I do not, however, feel bold enough to deal with the subject in that spirit; but I say this, that every person may prove a will in London who wishes to do so. In accordance with the recommendations of the Commissioners, I propose to provide for the proving of a will in the country where the property sworn to by the executor is less than 1,500*l*. The reason given for naming that sum was, that the ordinary stock of a farm of from 150 to about 200 acres was of that value. It is impossible to say what ultimately may be the sum fixed upon; but at present I will take the sum that was named by the Commissioners. I propose, then, that when a person shall die in the country, having property which the executor shall swear is under 1,500*l*. in value (his oath being taken to be conclusive on the subject), the will may be proved in one of the districts I,

propose to constitute. The Commissioners recommend—which I believe was recommended by the Commissioners in 1843—that we should divide the country into districts rather more numerous than the present dioceses, keeping as nearly as possible to the dioceses where it is not particularly inconvenient to do so. There are about twenty-six dioceses, and it is proposed that there shall be thirty districts; that a registrar should be attached to each, and whenever a person shall die within any district, the affidavit of the executor will be conclusive on the subject, and he may, if he thinks fit, prove the will in the country instead of proving it in London. That arrangement is, however, confined to non-contentious business; because it would be utterly impossible to have fit persons—where there must be such a small quantity of business—to deal with any of those delicate questions that from time to time arise as to the validity of wills. The registrar might have, for example, to decide a case of sanity or non-sanity, or what degree of *non-compos* is sufficient to induce a court to say that a man was not competent to make his will. To expect to get competent judges to decide such a question dispersed about the country, when they might not have in their court half-a-dozen cases in the year, would be preposterous. Therefore I propose to confine the country business to non-contentious business, which merely requires on the part of the registrar the examination of the will, and that he should see that the affidavit is proper, and that the necessary requisites have been observed. But even that is a matter not always very easy to deal with, and it is extremely important that inaccuracies on the subject should be avoided; and to afford security for that purpose, I propose that the party shall bring the will to the registrar, and that when the probate shall be prepared, the will shall be eventually sent up to London, to be kept where all original wills are to be kept. The probate will be sealed in London, the original will and probate being examined, to see whether the right forms have been observed. What has been done in the country will be looked over in London, the seal imposed upon it will be a seal imposed in London, and afterwards no difference will appear to show whether it was proved in London or in the country. The relations of dead people, I am told, are never satisfied unless they can look at the original will; and though I think there is no reason in that

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desire, I think also that we should consult the feelings of those persons and even their prejudices, and that we should be very delicate in dealing with them. Therefore I propose that for a period of six months the will itself shall remain in the country for examination. Under this plan, there will be one register kept of all wills in London, whether those wills be proved in London or in the country; and a proper index will be kept by which all persons may know where to find wills in which they are interested. I have now stated the scheme I propose, except with respect to one very important provision, to which I adverted at the commencement of my observations—we propose to make probate extend to real as well as to personal estate. On this point I am bound to state that the Commissioners are not unanimous. The great majority of the Commissioners think it to be essential; and I consider that it would be relieving the law from an anomaly; and that great advantage will be gained, if testamentary jurisdiction extends to all property, whether real or personal. My Lords, this is the measure which we have embodied in a Bill to which I have now to ask your Lordships to give a first reading. To sum up the contents of our scheme—we propose to abolish at once all existing jurisdictions relating to the probate of wills and the grant of letters of administration; to transfer to the Court of Chancery jurisdiction in all contentious matters, and in non-contentious business transacted in London; we propose that the subject-matter of the jurisdiction shall be all property left by will, whether it be real or personal estate; that in non-contentious business for cases where deceased persons have left a small amount of property which can be properly managed in the country, there shall be district registrars appointed, who shall be little more than persons who will examine the apparent accuracy of the instruments, and to see that they are regular, and to transmit them to the central registry, whether they are proved in London or in the country, so that the benefit of the system should be extended throughout the whole of the kingdom, whether the property be large or small. The noble and learned Lord concluded by *presenting* a Bill to transfer to the Court of Chancery the testamentary jurisdiction of the Ecclesiastical Courts, and to alter and amend the law in relation to matters of Testacy and Intestacy.

LORD BROUGHAM: My Lords, I have

listened with much pleasure to the able statement of my noble and learned Friend, in introducing his plan to your Lordships on this important subject. My noble and learned Friend has stated with great force and effect the evils of the existing system. The statement made by my noble and learned Friend is by no means exaggerated—that for upwards of twenty years this question has been the subject, I will not say of great controversy, but of very great complaint; but that there has been considerable exaggeration in the statements made out of doors on this subject I know; but such exaggeration is, however, inevitably incident to all such matters, because it must always be expected that where much real abuse undoubtedly prevails, much abuse that is unreal will in many minds be added to what actually exists. It has been said—and it is a very plausible assertion—that it is hard that persons wishing to prove a will should be obliged to employ two professional men, a solicitor and a proctor; but the fact is, that in the metropolis a person can go to Doctors' Commons and employ a proctor, which will be sufficient, without his having any occasion to employ a solicitor; and in the country, in the same way, the party is not bound to engage a London solicitor; he may employ a proctor without that intermediate assistance. Again, there is some exaggeration in the objection that, where you have one court of probate and another court of construction, and a will has to go before one court to have its validity tried respecting personal property; and the same will has also to go before a common law court to have its validity tried as regards real property, it may so happen, and it has happened, that conflicting decisions will be come to, and that while the ecclesiastical court declares the will to be invalid, its validity may be established by a jury in another court. It is impossible to deny the possibility of such cases occurring; but it was found by the Commissioners who inquired into the subject, that there had been only one case of conflicting decisions upon the validity of a will during a period of twenty-five years. How many cases of probate were there in those years? Why, the average number of provincial cases of probate was 12,000 in one year; and only fifty-four out of the whole 12,000 were contested, or 1,350 in the twenty-five years, whilst only in one case for those twenty-five years had there been a con-

flict of decisions, that is, one in every 1,400. I only mention these facts to show that it is not in deference to the exaggerations either out of doors or within the House on this subject, that I have come to the opinion—in which I entirely concur with my noble and learned Friend—that there must now be a change made; and the only question is, as to the direction in which you shall move in effecting that change. My noble and learned Friend has referred to what passed in 1832, and afterwards in 1835, and I do not consider that I am at all inconsistent in approving of my noble and learned Friend's measure, because it differs in some respects from the measure which I myself proposed. The question is, shall there be another court of probate established, or shall we transfer to the Court of Chancery, the court of construction, the office of probate. If I had, in 1832, when I sat where my noble and learned Friend now sits, proposed an amendment of the proceedings of the ecclesiastical courts, by transferring the jurisdiction over wills to the Court of Chancery, I am sure I should never have ceased to hear of the transfer, *ab ovo usque ad malum*, to use my noble Friend's citation, but it would have been *malum* with the first syllable short; and the late Lord Kenyon, I am sure, would have exclaimed, on such a proposition for resorting to the Court of Chancery, as he once did, "What! could you have the heart to send any fellow-creature there!" having, on another occasion, described that resort by the phrase "*abi in malam rem.*" Undoubtedly, in 1832, or even 1835, if any person had proposed to improve the system of the ecclesiastical courts, by transferring the business of those courts to the Court of Chancery, constituted as the Chancery then was, it would have been reckoned the most preposterous course that could be recommended. But happily we have lived to see great changes effected in the Court of Chancery of late years. There has been a great increase in the judicial force of that court, and consequently there has been a very great amount of despatch of business which was formerly unknown, and the want of which was the worst blot on that court. To allude to no further changes, there has been effected, only two years ago, the greatest of all improvements, the abolition of the Masters' offices; and this, and the other extensive alterations, have rendered the Court of Chancery, though still very far

from being perfect, yet no longer what it was in 1832 and 1835, when the former measures on this subject were proposed. My Lords, I trust that the measure of my noble and learned Friend will be sanctioned by the House. Before seeing the Bill in print, and examining its provisions, however, it is of course utterly out of the question that I should now pledge myself to its details. I may mention that in some of the provisions of the former Bills to which I have referred, it was proposed to abrogate the jurisdiction of the ecclesiastical courts with regard to slander, defamation, brawling, and smiting in churches, and various offences of an immoral description, of which they have now cognisance, and, in some, an exclusive cognisance. That abrogation ought, no doubt, to be accompanied with the proper provision of another jurisdiction in the ordinary criminal courts. I must beg, also, my noble and learned Friend to consider whether the optional power suggested to be given to the court of probate by the measures of 1832 and 1835, of either trying issues itself or sending them for trial to a court of common law, might not now be given under the present Bill, to the Court of Chancery. The former measures also contained provisions relating to the punishment of ecclesiastical offences—a matter which might be dealt with in this Bill—not, of course, giving this jurisdiction to the Court of Chancery, but to another and a proper court; but probably my noble and learned Friend will propose a measure for that purpose. And, my Lords, I cannot speak, even thus incidentally, of criminal jurisdiction without expressing unmeasured satisfaction at what has passed elsewhere, which indicates that Her Majesty's Government have at length come to a determination on the important subject of the appointment of a public prosecutor, the want of whom is one of the capital defects of our criminal system, as I once and again, and especially at the end of the Session before the last, urged on the consideration of your Lordships. The continuance of this glaring defect was certainly no fault of mine or of my noble Friend's opposite, because, in 1834, we had prepared a measure to cure this great blot on our criminal jurisdiction. With the concurrence of my lamented Friend Lord Duncannon, then Secretary for the Home Department, I had prepared this measure, so framed as not to require a parliamentary sanction, in the first instance, but which,

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for being made general and permanent, would no doubt have required an Act of the Legislature. My Lords, I will only repeat that, reserving to myself the consideration of the details of the scheme which my noble and learned Friend has now submitted, I give my hearty support to the principle of the measure.

LORD ST. LEONARDS said, that he entirely concurred in the observations made by the noble and learned Lord who had just sat down, regarding the able manner in which his noble and learned Friend on the woolsack had introduced this measure. It was absolutely necessary that his noble and learned Friend should explain the reasons he had for introducing the Bill, and, therefore, their Lordships were very much indebted to his noble and learned Friend for the statement he had made. When he (Lord St. Leonards) came down to the House, not having had an opportunity of speaking to his noble and learned Friend on the subject, he felt afraid that he might feel it his duty to oppose what would be proposed. It was, therefore, with great satisfaction to himself, after what had fallen from his noble and learned Friend, that he could agree in a great part of what he had suggested. He thought it was impossible—and he thought they were all agreed upon that point—that the ecclesiastical courts could remain in existence any longer as they were now constituted—and it was with the view to their abolition that the Commission was issued during the Administration of his noble Friend (the Earl of Derby), and the only question which now arose was as to what body they should transfer these jurisdictions. Now, he conceived that the entire course and tendency of the legislation of the present day was, as far as was consistent with the established distinctions between law and equity, to give to every court the entire and undivided jurisdiction over the matters assigned to it; and nothing could be more anomalous than to establish a new court to decide whether a will was good or bad, while another court had to give its opinion as to what was the true construction of the instrument. The question of validity and the question of construction ought to be dealt with by the same tribunal. The questions involved in these cases were generally questions of law and fact, as well as of construction; and he quite agreed with his noble and learned Friend, that judges of an enlarged jurisdiction, from the quality of their minds and their experience,



were more likely to satisfy the suitors than would be the case if the same persons were restricted to decide only on the simple question of the validity of wills. There was nothing in the cases which now came before the ecclesiastical courts with respect to testamentary matters which could not, with the greatest propriety, be decided by a common law or an equity judge. The present divided jurisdiction gave occasion to conflicting decisions, as had happened in the case which had been alluded to, and might have happened in the other case, which, however, was not compromised, but the heir at law and next of kin having succeeded in setting aside the will, and thus secured the personal estate, was advised to convey the small real estate to the disappointed devisees, without their concurrence, and thus prevent the conflict which would have arisen had a jury, upon a trial as to the validity of the will, as a devise of real estate, found in favour of the will. He believed, that the course now proposed would be satisfactory to the people of this country, and was convinced that a great saving of expense would be effected by the whole jurisdiction over wills coming into one court. He approved of the transfer being made to the Court of Chancery; and his opinion was, that the judicial staff of that Court was now greater than the existing amount of business was likely to find employment for, for some time to come. The Lord Chancellor now sat there regularly, together with the Lords Justices, with an appellate jurisdiction, the three Vice Chancellors, and the Master of the Rolls; but he remembered the time when only the Lord Chancellor sat there without a Vice Chancellor, and with the Master of the Rolls only sitting at intervals, and for short periods. No doubt, however, the progress of the country had since then brought a vast accession of business into the Court of Chancery, and the rapidity with which it was now transacted, especially under the new system, induced suitors to apply to that Court, where their cases were settled at a reduced amount of expense, which, compared with what they formerly cost, was perfectly astonishing. If parties were desirous to ascertain the true construction of an instrument, they could now go and state their case and obtain the opinion of the Court without delay and at the smallest expense. He was confident that the Court of Chancery was adequate to the performance of the additional business now pro-

posed to be entrusted to it. It possibly might be desirable to continue the proctors for some time; but he was of opinion that this description of business, like all the rest of the business of the Court, ought to be thrown open to the general body of practitioners. Although agreeing thus far with the measure now proposed, he must say that he could not concur in one part of its provisions—namely, the extension of the requirement of the probate to real estate as well as to personal estate, or that it should be brought within the operation of the Court. That process was required in the case of personal estate, because it was necessary to observe great caution in granting letters of administration, otherwise the property might fall into the hands of a person who was not fit to be trusted, and the funds to which he was not fairly entitled might be wasted and dispersed. The case, however, was different with real estate, because that description of property was fixed, and there was no fear of its being dispersed like money; and with the safeguards at present thrown around it, any person having a legal claim to it who might be abroad at the time it was devised, if he turned up in the course of a few years, could establish his title to the property and obtain possession of it. Therefore, he thought there was no sufficient reason for extending probate to real property; and it should be remembered that, whilst they were affecting to facilitate the transfer of real estate, they were, in point of fact, adding a new and heavy burden to it, although it had sufficiently heavy burdens already pressing upon it. He hoped, therefore, that his noble and learned Friend would consent to reconsider this part of his scheme, and obviate this objection to it. He (Lord St. Leonards) concurred in the main provisions of the measure, and would lend his assistance in making it as effective and satisfactory as possible, and would have been glad if he had been able to agree also in the remainder. Whilst upon this subject, if the noble Earl at the head of Her Majesty's Government would forgive him, he would beg to call his attention for a few moments to a matter upon which he understood that the noble Earl had recently received a deputation—he alluded to the scheme which had been started by certain parties for the removal of the Courts at Westminster to what they called a more central position, in or closely contiguous to Lincoln's Inn and the Strand. He was not now about to enter into the details of

that project; but he would observe that the scheme was vast, and, looking at the experience they had had of the cost of the Houses of Parliament, and over which, he might observe, they never had had the slightest control, it was perhaps fair to presume that the expense of its execution and of the erection of the large edifice proposed for the new courts would be very enormous. One proposition was that the new courts should be built on the vacant space in Lincoln's Inn Fields; but he thought that was objectionable, as the open square in that locality formed one of the not too numerous lungs which were highly necessary for the health of the inhabitants of the metropolis. Some years ago, a Committee of the House of Commons inquired into the propriety of removing the courts of law from Westminster, and he (Lord St. Leonards) at that time strongly opposed such a proposal. The promoters of this scheme had suggested that the Suitors' Fund in Chancery might be appropriated in aid of the outlay upon the project; but he considered that that fund could not be legitimately devoted to any such purpose, and he begged to inform them and to remind the House that by his Bill of the last Session for the further relief of the suitors, every shilling of the fund was already appropriated, as it ought to be, in rendering the administration of justice in Chancery cheap to the suitors. That fund, therefore, would not be touched. They next proposed to take credit for a very large sum as the value of the ground upon which the present courts of law at Westminster stood. But this was absurd: for the property already belonged to the country, and they need not therefore pay for it, and if they had it in possession, it would lead to vast additions to the two houses, which they did not require, and which would cost an enormous outlay, without any corresponding benefit. The Consolidated Fund alone could supply the funds; there was no other to apply to: he wished that to be well understood. He was willing to meet the general wish in favour of removing the Courts of Chancery from Westminster; but he did not see any reason for removing the courts of common law—in fact, as the objection against continuing those courts at Westminster was want of space, the removal of the Courts of Chancery would give plenty of room for other purposes. No position, in his opinion, was more convenient than Westminster Hall; there was

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a very good access to it, and it afforded accommodation for a large number of witnesses; he should exceedingly regret to see the proposed removal take place. The Lord Chancellor, the Lords Justices, the three Vice Chancellors, and the Master of Rolls, at present had courts at Lincoln's Inn; and all that was required was more accommodation for the Vice-Chancellors, now that they require to have constant communication with their chief clerks. The range of offices on the west side of Chancery Lane and abutting on the Inn were occupied by the Accountant General and other officers. Now the Masters' offices belong to the Crown and the above officers might readily be removed to Southampton Buildings; and the offices vacated might at a small expense be converted into courts and chambers for the three Vice Chancellors and their clerks. This would place the Court of Chancery wholly in Lincoln's Inn, and leave the common law courts with ample room at Westminster. As for the scheme which was now agitated by the parties to whom he had referred, it was gigantic in its proportions, and would cause enormous expense and risk, which, at the present moment, when the resources of the country were on the eve of being heavily taxed for great national objects, it would be most unwise and impolitic to incur. The noble and learned Lord, in conclusion, said, that he begged to support the general provisions of the measure which his noble and learned Friend on the woolsack had introduced, with the exception which he had already pointed out. At the same time, he also reserved to himself, like the noble and learned Lord who preceded him, the right of considering the details of the Bill when it was printed.

LORD CAMPBELL rose, to express the great satisfaction he felt at the proposals of his noble and learned Friend. Nearly a quarter of a century ago a commission, over which he had the honour to preside, had been appointed to inquire into this subject, and they had recommended the adoption of a measure substantially the same as that proposed by his noble and learned Friend. Though this delay had taken place, he did not think that blame was attachable in any quarter, but that up to the present time such a measure had not been passed; for every Government that had existed since that time, whether Liberal or Conservative, had been equally anxious for law reform, and had only been

prevented by the natural difficulties of the subject from carrying it out as fully as could be desired. Perhaps there was little ground for regret at this delay, because the measure was likely to be more effectual now than it could have been at any prior season. He was glad to find that it was the opinion of such of their Lordships as had spoken on this occasion, that it was to the Court of Chancery that the probate of wills should be transferred. He most heartily approved of the principle that there should be but one court for one cause. We had in England suffered great vexation from the division of jurisdiction—a division which was necessary while the courts of equity were only building up their system; but which, now that the rules by which equity was governed were as well understood as common law, was entirely unneeded. As to the other point on which there had been a difference of opinion, he differed from his noble and learned Friend (Lord St. Leonards); and, though he had a most sincere respect for the opinion of that noble and learned Lord upon this subject, he was himself of opinion that there ought to be a probate of a will relating to real property, as well as of one concerning personal estate. He was convinced that such a provision, instead of occasioning an additional burden to the landowner, as his noble and learned Friend had anticipated, would relieve him from expense. He should be the last to wish to do away with what some wildly proposed to destroy—the distinction between real and personal estate; and he must say that he looked with alarm at what had recently taken place elsewhere, to which he might not more particularly refer. He might, however, say, as a matter of history, that when he had the honour of sitting in the House of Commons a proposal was made—indeed, leave was moved for, to bring in a Bill—providing that in the case of an owner of land dying intestate, his land should be divided equally among his children. He (Lord Campbell) then held the office of Attorney General. He felt it his duty to oppose this proposition; and he rejoiced to say that he had a large majority in his favour, and the proposition was rejected. He looked upon such a proposal as being most insidious and most dangerous to the institutions of the country. The effect of it would be, though it was said to leave to the landowner the opportunity of making a will, to do away with the law of primo-

geniture, both in theory and practice, and that House would not long survive. In America there was such a provision; and he had been told, on undoubted authority, that in that country for a father to make any distinction between his children would be so odious, that he dare not do it; and the practical effect was, that the power to do so was a dead letter, and all the property was equally divided among the children. Such would soon be the case in this country. In a short time you would not have a country house left; nor would there be any person to hold office under the Crown who was not entirely dependent upon his salary. At the same time, he thought that there would be no danger to real property in allowing a probate of a will by which it was left. It was of the last importance that the validity of such will should be determined as soon as possible after the death of the testator, in order that persons purchasing of the heir-at-law or of a devisee might be assured as to the soundness of their titles. This was the only point of the measure in which a difference of opinion had arisen. While he so highly approved of what he had heard from the Lord Chancellor, he must express considerable disappointment that he had not heard more. He hoped that this arose from the delay of measures, and not from their abandonment. He thought the time had now arrived when we were to have a complete reform of the ecclesiastical courts, with respect to every branch of their jurisdiction. He had no objection to these courts when their jurisdiction was confined to spiritual matters; and if their jurisdiction were so limited he should wish that they should not only be preserved, but should receive new vigour. If Convocation could be reformed, so as to work in a manner advantageous to the interests of the Church, he, for one, should be rejoiced to see it revived; but he thought ecclesiastical courts should have jurisdiction only over spiritual affairs. These courts had, however, grasped at things purely secular, and this had operated much to the oppression of the subject. With regard to the jurisdiction of the ecclesiastical courts in questions of divorce, that jurisdiction had been based upon what was then the belief of the country—that marriage was a sacrament. Since the Reformation, however, marriage had been considered as a civil contract, and we had again and again legislated upon such a consideration. Now,

therefore, the Church had no more to do with the decision of matrimonial causes, than with that of causes referring to the sale of real estate. Some time ago he had the honour to be appointed the head of a commission to consider the subject of divorces. That commission recommended that such questions should be removed from the ecclesiastical courts; and he trusted that his noble and learned Friend (the Lord Chancellor) would introduce a measure for that purpose. The law upon that subject was, he did not hesitate to say, a disgrace to the country. He saw no reason why all those causes should not be referred to one tribunal; and he believed that, with regard to divorces, their Lordships would gladly resign the jurisdiction which they exercised. As the law at present stood, marriage could only be dissolved by Act of Parliament, and their Lordships were aware how many sad scenes had been witnessed in that House in such causes. Actions for slander and defamation ought to be brought in the courts of common law, where they would be tried by a jury, rather than in the ecclesiastical courts, the imposition of a penance by which was not so effectual a punishment as the levying of damages. Brawling in church—another matter in regard to which the ecclesiastical courts had jurisdiction—was an offence at common law; and, though some time since the Bishops of Salisbury and Oxford strenuously defended the jurisdiction of the ecclesiastical courts in regard to it, he believed that the greater portion of the community would be delighted to see that jurisdiction abolished. He therefore trusted that in the present Session of Parliament some measure for the reformation of these courts would be introduced and adopted; and, their secular jurisdiction being abolished, he should be heartily rejoiced to see their spiritual jurisdiction improve and flourish.

LORD BROUGHAM, referring to what the noble and learned Lord (Lord Campbell) had said upon the subject of primogeniture, said, he would mention to their Lordships an instance which had come under his observation, of the inconvenience which arose from an equal division of real property among the children of a man who should die intestate. About two years ago he happened to mention to the French Minister of Agriculture and Commerce, that in a part of that country from which he had just come there was a field, not more than half the width of their Lord-

*Lord Campbell*

ships' House, the only things of value in which were four trees. The owner died, the field descended to his four sons; and the result was, that for the last few years each of these sons had been seised of one of these trees. Upon his mentioning this case, the French Minister said that this instance of the effects of division was nothing to what he had seen in a parish not far from Paris, which he named, where he had seen a field, one of the owners of which was seised on one undivided thirty-second part. What the tendency of this was, it was not for him to say; but he thought it right to mention this for the information of his noble and learned Friend (Lord Campbell), who took one view of this matter, and for that of those who took the other side.

THE LORD CHANCELLOR, in reply, expressed his gratification at the manner in which his statement had been received. In reference to what had fallen from the noble and learned Lord who had last spoken (Lord Campbell), he had not on this occasion referred to other than the testamentary branches of the jurisdiction of the ecclesiastical courts, because it was his opinion that the reformation of those courts would be best accomplished by dealing with each subject separately, rather than by attempting too much at one time. He could, however, assure his noble Friend (Lord Campbell) that a Bill, founded in a great measure on the report of the Divorce Commission, was in the course of active preparation, and would early in the Session be laid on the table of the House. Looking at the whole subject, he had thought that possibly the failure of previous attempts to reform these courts had arisen from the Bills dealing with too many subjects, and thus enlisting against them a variety of interests. To avoid this he had thought it best to begin with this, which was the greatest subject, the testamentary jurisdiction; and he trusted soon to be able to lay upon their Lordships' table a Bill dealing with the subject of matrimony and divorce. The other subjects were under consideration, and as he thought they would be comparatively easy of settlement, he trusted that in the course of the Session they might all be dealt with. The task would be comparatively light, when the important portions of the subject to which he had alluded had been disposed of.

Bill read 1<sup>a</sup>.

House adjourned till To-morrow.



## HOUSE OF COMMONS,

Tuesday, February 16, 1854.

MINUTES.] PUBLIC BILL. — 1<sup>o</sup> Parliamentary Representation.

## LIGHTHOUSES IN THE MEDITERRANEAN—QUESTION.

MR. HUME said, he wished to ask the First Lord of the Admiralty whether, since the dreadful loss of Her Majesty's steamer *Avenger*, in the year 1847, any steps had been taken to erect a lighthouse on Galita Island, or the Aguglia Rocks; and whether the still greater boon to navigation of the Mediterranean, a lighthouse upon Keith's Reef, in the Skerki Channel, where Her Majesty's ship *Athenian*, 64, was lost in the year 1806, was obtaining the attention of Government?

SIR JAMES GRAHAM said, he felt that the questions which his hon. Friend had put were of considerable importance. In reply to the first question, he had to state that the best naval authorities he had been able to consult with reference to the erection of a lighthouse at Galita entirely disapproved of any such construction. The site of the island was well known, and the great danger to vessels in that quarter arose from the attempts made to sail by the southern passage with a view to shorten voyages. The *Avenger* had been lost in an attempt to take that course. The Royal hydrographer, and all the highest naval authorities, were of opinion that the erection of a lighthouse on the island of Galita would operate as an inducement to select that passage after night-fall; and it was not the intention of the naval representatives of this country to recommend the construction of a building which they believed would be dangerous to navigation. With regard to the second question of his hon. Friend, he had to observe that there could be no doubt that the erection of a lighthouse on Keith's Reef would be productive of great benefit to the commerce of the Mediterranean. But it certainly did not at first sight appear reasonable that England should bear exclusively the cost of such a work. However, it was his intention to have those rocks carefully examined before he came to any final decision upon that subject.

## RUSSIA AND THE PORTE—QUESTION.

THE LETTER OF THE EMPEROR OF THE FRENCH TO THE EMPEROR OF RUSSIA.

MR. DISRAELI: Sir, I wish to make inquiry of Her Majesty's Government re-

specting a very important diplomatic document that has just appeared in the French journals. That document affects to be a letter from the Emperor of the French to the Emperor of Russia, and it offers to reopen negotiations with that latter potentate, apparently with the sanction and the cognisance of the Government of this country. What I wish to know from Her Majesty's Government is, whether they can inform the House if that is an authentic document, and if it be an authentic document, whether any communication took place between the Government of France and Her Majesty's Government before that letter was transmitted to the personage to whom it was addressed; and further, if any such communication took place, whether that letter was sent to Russia with the cognisance and sanction of Her Majesty's Government?

LORD JOHN RUSSELL: Sir, in answer to the question of the right hon. Member for Buckinghamshire, I beg to state, in the first place, that I have every reason to believe the document to which allusion has been made, as published in the *Moniteur*, is an authentic document. With respect to the second part of the question, I have to say that we had had a communication from the Government of France, stating that the Emperor of the French thought it desirable he should make a further effort, by means of a letter written by himself—an autograph letter—to the Emperor of Russia, in order to procure a termination of disputes which have been so long going on, and which have tended towards hostilities. Her Majesty's Government, when in possession of the nature of the letter which was proposed to be sent, observed upon it that they could have no objection to such a step being taken, provided it was entirely in conformity with the terms which had been proposed by the Conference at Vienna, and provided that certain modifications which they suggested should be adopted. The answer which we received was, the terms which were proposed agreed with those which had been proposed by the Conference at Vienna, and that the modifications which Her Majesty's Government suggested would be adopted. Generally speaking, in substance, these modifications had been adopted, but Her Majesty's Government had not had an opportunity of seeing the letter before it was despatched by the Emperor of the French to the Emperor of Russia. Therefore, while I can say Her Majesty's Govern-

ment hold themselves entirely responsible for being parties to the substance of that letter, as communicated and shown to us, still I will not say that every particular word or phrase is such as we should be prepared to adopt. But I have no hesitation in saying that we entirely approved of the step which the Emperor of the French proposed to take, as we considered it a most laudable endeavour to prevent the breaking out of war, and should be very glad if it should be successful in inducing the Emperor of Russia to agree to the proposals which have been made to him. I have only further to say, that no answer had been received from the Emperor of Russia to the proposals of the Conference of Vienna when the letter of the Emperor of the French was sent from Paris.

#### PARLIAMENTARY REPRESENTATION— QUESTION.

MR. BRIGHT wished to know whether, with respect to the proposed mode of voting, by which the noble Lord the Member for the City of London supposed he should be able to represent the minority—a plan something like making the last in the race the winner—it was intended to apply that method to the constituency of the City of London? He also wished to know whether the noble Lord proposed to make any provision by which, in case the honourable Member for the minority should die, the minority might be represented by his successor?

LORD JOHN RUSSELL stated, that there was a clause in the Bill with respect to the City of London, which proposed that the electors, instead of voting for four Members, should vote only for three out of the four. With respect to the second question, he presumed he need give it no answer.

#### COAST GUARD VOLUNTEERS' PENSIONS.

MR. LUCAS said, he wished to put a question to the First Lord of the Admiralty as to certain complaints, whether well or ill founded he could not say, made on behalf of that portion of the coast guard which had lately been transferred to the Royal Navy, with regard to the disadvantageous position in which they were placed in some respects by their change of service. It appeared that the men enrolled in the coast guard were entitled to a pension for their wives and children in case of loss of life. By the Act of last Session

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when called upon, and he wished to know whether, under those circumstances, those men entering the Navy from the coast guard would lose their right to a pension which they had formerly enjoyed? He also wished to know whether it was true that the wives and children of the men so transferred had been turned out of the coast-guardhouses which they had formerly occupied, under circumstances of some hardship?

SIR JAMES GRAHAM said, that the appointment of sailors to stations in the coast guard was a very great reward for long and continued service on board ship. That service must be at least five, and was generally ten years—it was the reward of meritorious conduct. The pay of the coast-guard man was considerably higher than that of a sailor on board ship, even of the highest rate. When that reward was given, it was always with the condition that the men should be liable to serve again afloat, leaving the coast-guard service. While in the coast guard, there was a civil pension given to the wives and children of the coast-guard men whose lives might be lost in that particular service; but of course, when the men left that civil service, in compliance with the engagements into which they had entered, they stood upon an equal footing with their comrades on board ship, and their right to the civil pension, if they should incur any danger or loss, either of limb or life, on board ship, would be the same as that of seamen serving afloat. That the wives and children of the coast-guard men had been compelled to leave their dwellings on the coast appropriated to the coast guard had no doubt led to some inconvenience, but he had given orders that every effort should be made to make that inconvenience as light as possible. The House would learn with great satisfaction that 1,500 coast-guard men had in the course of ten days embarked on board Her Majesty's ships, with the greatest good-will and the greatest enthusiasm, and amid the acclamations of all their comrades.

#### BRIBERY PREVENTION.

SIR FITZROY KELLY said, he would beg to move for leave to bring in a Bill to regulate the practice at the election of Members to serve in Parliament, and to prevent bribery, corruption, intimidation, and undue influence at such elections, and to diminish the expenses thereof. He believed that they all concurred in regretting the existence of that corruption which dis-

graced our representative system, and that they only differed as to the best mode of applying a remedy to the evil, an evil at once great and grievous, and which had hitherto defied legislation. He contended that no extension of the franchise, especially in a downward direction, would have the effect of preventing or diminishing corruption, and the assumption that it would do so was altogether contradicted by experience of many boroughs, and unhappily we had yet no system of general education, to enlighten and purify the humbler classes of the elective body. In the borough of Cambridge, out of 111 persons who had accepted bribes at the last election, between thirty and forty, or about one-third of the entire number, were unable to write their names. The number of electors in this borough had been increased from less than fifty before the Reform Act to 1,800. In Liverpool, Hull, Norwich, among the largest, wealthiest, and most populous towns of the British Empire, corruption had been found most extensively to prevail. Neither did he think that they could look to the ballot for a removal of that crying evil. It might be well doubted whether the adoption of that mode of voting would tend to diminish rather than to encourage bribery at elections; and even though it should in many cases contribute to restrict the exercise of undue influence, it was the belief of many of the highest authorities upon the subject that it would introduce other evils into our constitutional system which neither the Parliament nor the people of this country were yet prepared to encounter. At any rate, looking to the great difference of opinion which prevailed in that House, and still more in the other House of Parliament, as to the wisdom or expediency of the introduction of the ballot, he thought it would be unwise to wait for the establishment of the ballot by law, before proceeding to deal with this great evil. The Bill which he was about to submit to the House contained provisions which he believed calculated to remedy the evil of bribery and corruption, and would, if adopted, introduce into our electoral system that purity which all parties professed to be desirous of obtaining. Now what was the precise nature of the evil which the House was called upon to deal with, and what ought to be the nature of the remedy proposed? With respect to bribery, by what means, in what manner, with what funds, and upon what system, was it that the evil, of which all persons so much

complained, was practised at elections for Members of Parliament? After considering, as far as was practicable under the pressure of other occupations, the greater part of the Committee Reports and the Reports of Commissions, with which the table of the House of late years had been loaded, upon the subject of elections and electoral corruptions, he thought he might say that, amidst many circumstantial varieties, there was a substantial identity in the mode and system under which that extensive corruption had prevailed. Let them consider in what way it was, as far as they could judge from the information with which the Reports in question had supplied them, a corrupt election was, from its beginning to its end, conducted. A writ was issued for a borough election. Three or four gentlemen, the heads of a political party in the borough, came to London in search of a candidate, who of course was soon found. He was invited to stand for the borough. He inquired naturally into the numbers and state of the borough, and the prospects of success; and, being answered, then came the all-important question—what was the amount of the expenses? He was told 1,000*l.*, or perhaps 1,500*l.*, would cover all. He was content to pay that sum, and he paid it into the hands of an agent—some man of influence among the party in the borough—and all were satisfied. The candidate expressed a firm determination to avoid all bribery on every occasion; he enjoined his agent, and all those who were to act in the election, against resorting to any corrupt practice whatever; and he was assured that the funds which he had placed at the disposal of the agent should be fairly, honestly, and legally applied. Then he proceeded to the borough, and announced himself as a candidate, satisfied there would be no violation of the law, in respect either of the money he was about to spend, or the means by which he sought honestly and properly to procure his return to Parliament. A candidate so placed might, with a safe conscience, swear, either then or when the election should have been completed, that he had taken no part in bribery or in any other species of corruption. Yet within twenty-four hours of the time when he placed his 1,000*l.* or 1,500*l.* in the hands of an agent, a third part might go to pay some old election bill for treating or bribery; another third of it might be spent in his own election in bribery, in treating, or in other modes of corruption; and perhaps some 400*l.* or 500*l.*,

a little more or a little less, was fairly and properly spent in the legal expenses of the candidate. In the course of the canvass he was generally applied to for some 200*l.* or 300*l.* more. Well, the money was given, the election proceeded, and he was returned to Parliament. In due time a petition was presented against his return, together with extensively circulated rumours of bribery and corruption. The petition was either withdrawn or it was compromised, or it proceeded, and the member either retained his seat or he was unseated. Or it might be there was no petition at all, in which case, soon after the time for petitioning was past, the member was pretty generally waited upon by some of the heads of the party, by whom he had been supported, and he was told that, besides the sum of money he had placed in their hands, there had been a further expenditure for his benefit and on his behalf of at least 1,000*l.* He of course became naturally anxious to know in what manner this money was expended, but then it was more or less obscurely intimated to him, that he had better not inquire into the precise particulars of that expenditure. Most persons placed in such circumstances were apt to treat such a claim as a debt of honour; but if the returned member hinted an objection, he was told that the money had been paid out by some friends without whose support he never could have been returned; that it had been employed—and not unsuccessfully—for his benefit, and that if he refused to repay it the loss would fall on the families of his staunchest supporters. That appeal was generally successful, and after some reluctance the 1,000*l.* was paid, a large proportion of it being spent in direct or indirect bribery, or in some other mode of corruption. It might be, however, that a member of a firmer character, or of a larger and, perhaps, harder experience, would refuse to satisfy such demands, in which case an intimation was very soon after conveyed to him that he need not appear again in the borough for which he had been returned; and when another election took place a fresh candidate was found who paid his 1,000*l.* or 1,500*l.*, and with a portion of the sum which he so paid, the old election debt of the former member was liquidated. The system, and the amount of money, of course varied considerably; candidates often paid much larger sums than those he had stated; but he thought he had accurately described the mode in which, in a

great many boroughs, elections for a number of years past had been invariably conducted. Sometimes the truth was brought to light, and those investigations followed which had furnished them with the information that he hoped would guide them in the path they had undertaken to pursue. Sometimes, however, these practices escaped detection at the moment. It might be that for an election or two no discovery took place; but sooner or later it was found by the proceedings before an Election Committee, or from the Report of a Commission, that such for many years had invariably been the practice in the boroughs in question. Now, then, were they to prevent that practice—to remedy that great evil? It was quite obvious that, in all cases similar to that he had described, the candidates were legally innocent, and more or less morally innocent according to the degree in which they might suspect that their funds were illegally applied. But it was quite obvious that a gentleman who paid a larger or a smaller sum of money into the hands of persons of character and reputation, who assured him that not one farthing of it would be illegally applied, and whom he earnestly enjoined against any resort to corrupt practices, might fairly call upon an Election Committee, while they unseated him by reason of the acts of his agent, to declare him blameless. It was obvious, also, that so long as candidates were found to pay large sums of money into the hands of agents, sub-agents, or the heads of parties in boroughs—so long as there were no means of tracing the money from the hands of agents, sub-agents, and heads of parties, to the final application of every shilling of it—and so long as it was possible for agents to apply to illegal purposes large sums of money placed in their hands, with directions to apply them to legal purposes only—it was in vain to multiply penalties and punishments, to visit upon members the consequences of those acts by unseating them, and to charge the country with the cost of Reports and Commissions. So long as that state of things existed, whilst human nature remained as it was, and whilst the franchise was in the hands of the poorer and more helpless and dependent classes of the community, so long would bribery and corruption prevail. He would now proceed at once to state to the House the means by which he proposed to guard against this great evil, and to render the illegal spending and application of the money of a candidate, who

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did not himself desire or intend to violate the law, if not altogether impracticable, so difficult to practise, and so easy of detection, that he could not but think, at least as far as regarded candidates and their funds, the evil would be at once and effectually remedied. The case ought to be considered, first, as regarded the candidate; secondly, as regarded the agents; and thirdly, as regarded the electors. Now, first, as to the candidate. In the Bill which he proposed to submit to the House, he should provide for the appointment of a public officer at every election—a person of character and knowledge, and of habits and in a condition of life which would entitle him to confidence, and render him competent to the duty which he would have to perform. The Bill would provide further, by adequate provisions and machinery, that at every election in the kingdom the candidates should pay all moneys emanating from them, directly or indirectly necessary for the legitimate expenses of the election, into the hands of this election officer, and of him alone. If a candidate solemnly swore that he had not paid, and never would pay to the last moment of his life, directly or indirectly, one single guinea for any purpose connected with, or having relation to, the election, except into the hands of the election officer, why then it was manifest that no part of his money, either before or after the election, could be illegally applied, except the election officer became a party to the bribery and corruption. He proposed, therefore, that at a certain period in every year an election officer should be appointed; and he thought the person so appointed should be a barrister, the appointment to be made by the Judges in their respective circuits, for every place returning Members to Parliament. These election officers would have various duties to perform, which he should afterwards fully describe to the House when he came to deal with the other provisions of the Bill; but it was enough for his present purpose to state that the election officer, from the time of his appointment, or rather from the time of the writ for an election issuing, would have the sole management and control of the whole pecuniary concerns of the candidates, and the legal expenses of the election. The candidates would be required at the nomination, when first by law they could be said to be candidates, to pay over to the election officer in the terms which would be found in the sche-

dule of the Bill, all the moneys which were necessary to pay the legal expenses of the election, and to swear that they had not paid any expenses or any money at all touching or concerning the election, except it might be unavoidable personal expenses before the day of nomination, and of which they must render a detailed account, upon oath, to the election officer. They must likewise swear that they would not pay, directly or indirectly, to any person whomsoever, any money whatsoever touching or concerning the election at any future time, except into the hands of the election officer, who would therefore be the single and sole agent between the candidates and their other agents, and the whole body of electors. All persons having any claims of any kind upon the candidates, whether those which might be common to the whole of the candidates, such as the expense of the hustings and the fees of the returning officer, or those which had relation to individual and particular candidates, must send in their accounts to the election officer, and to him only; and it was the election officer, and he only, who, having considered the accuracy, the legality, and the justice of such claims, was to pay them out of the funds placed in his hands for that purpose. He would now state to the House why it was he thought the election officer should be a member of the bar, though he might observe—and the remark would apply to every other provision in the Bill—that he had no personal predilection or preference whatsoever in favour of any particular mode or machinery, or of any particular class of persons, which he conceived to be matters for the consideration of the House. He had always thought that when, in any kind of legislation, they could move and act by the light of experience, they ought to avail themselves of that advantage. Now they had had for more than twenty years the experience of that class of persons so essential in our electoral system, the revising barristers, who had duties of the most important and sometimes of the most difficult character to discharge. They had, in fact, under their control the entire elective franchise of England and Wales; and yet from the time of the Reform Bill, which brought them into existence, to the present moment, although many warm political partisans were included in their number, he had never heard the shadow of an objection made to the impartiality with which they discharged their duties. He proposed, therefore, that the election offi-

cers should be appointed in the same manner, and from the same class, as the revising barristers. The expense of these election officers would not amount to a very large sum, and would certainly be as nothing when divided among the candidates, compared with the immense expenditure under the present system. He knew of one or two instances of persons who, though they might be free from bribery with respect to the electors, had paid, or consented to pay, a considerable sum of money, with the view either of preventing other candidates from coming forward, or of inducing candidates already in the field to withdraw. He therefore, proposed, that in all cases—whether there was a contest or not, the election officer should attend at the nomination, and that in his presence the oath should be taken by the candidates, who should also be required, as previously stated, to pay into the hands of the election officer the legal expenses of the election. When there was a contest the effect of this payment would be, that the money being lodged in the hands of the election officer, who would take care to avoid paying any part of it for any illegal purpose, the funds of the candidates would be secured from illegal application. Another advantage which would result from his scheme, if carried into effect, would be this. He would not speak of the numerous cases of Election Committees that had occupied the attention of the House for many years past, nor point invidiously to particular instances, but he would allude to the six cases which might be said to be *sub judice*, and in which the writs had been suspended on the Motion of the noble Lord the Member for London. The remark which he was about to make with regard to those six boroughs would be found to apply to by far the greater proportion of boroughs in which bribery or corruption of any kind had been practised, and of which they had any detailed and satisfactory account. It was this—that in all those cases, whether the payment had been made in one sum or in many sums, or whether before, or during, or after the election—whether the corruption had been practised with or without the knowledge of the candidates—it was the money of the candidates which, sooner or later, paid for the corruption which had been practised. There were but one or two instances mentioned in the Committee Reports in which the funds that had been spent in bribery had ultimately come from other persons

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than the candidates. If, therefore, the effect of the measure of which he had now submitted the outline to the House would be to stop the sources of corruption as far as the funds of the candidates were concerned—if, in fact, after the passing of his Bill all the money proceeding from candidates would be legally expended—it would at once stop the stream from which flowed the greater part of the corruption which was practised in boroughs. If no money came, or was expected from, the candidate, and if the candidate were bound by oath to pay nothing towards the expenses of the election beyond the sum paid down to the election officer, then, in case of bribery and corruption, it became evident that the funds must be derived from some other source, not from the pockets of the candidates. He knew he was now treading upon tender ground. Whence were the sources from which, and what were the modes in which money might be obtained for bad purposes at an election without the knowledge of the candidates? He could not but think that, although they found sometimes that persons of local influence in a borough were willing to advance their own money for the sake of gaining an election and obtaining a triumph for their own political friend, trusting to the honour of the candidate to have the money paid back at a future period, if it were once known and established as a matter of perfect certainty that no money whatever would be forthcoming from candidates, except for defraying the legal expenses of the election, very few parties would be ready to apply their own funds to that purpose, at least to any considerable extent. He thought if the sources of corruption were stopped at once and for ever, on the part of the candidates, bribery would very soon wear itself out. He was bound to admit, however, that there had been cases in which bribery had been practised by the money of other persons than the candidates. It had been said, but he knew not whether truly or untruly, that it had been the practice of certain clubs to collect together sums of money, by subscription or otherwise, upon the eve of an election, and that those large sums had been divided and apportioned out to be spent in securing the return of candidates belonging to the same political party. That might, or might not, be so. But if the money thus raised for election purposes were only paid into the hands of the candidate himself, no harm would be done, because

the candidate in his turn would be obliged to pay all the funds which were to be spent in the election into the hands of the election officer, and no portion of them could be used for illegal purposes. The same observation applied to cases in which not the candidate himself, but some wealthier relative or friend, paid the expenses of his election. But here another difficulty arose. Cases had occurred in which persons of no character, or of reckless character, had obtained from the relatives or friends of candidates, or even from candidates themselves, considerable sums of money to be spent at an election, had then gone to the borough and put themselves in communication with those who had local knowledge, and had finally disposed of money placed in their hands through the old and practised agents of bribery. Such cases were extremely difficult to deal with, because, though they might impose an oath upon a candidate, and upon those who were known to act as his agents in the election, and though they might require a declaration from the electors, yet they could not impose an oath upon all mankind—they could not send for the clubs of London, and the friends of the candidate, and impose an oath upon them. How, then, were such cases to be dealt with? It was obvious, in the first place, that, if the candidate should no longer be looked to as the source of the funds for election purposes, the cases would be few in which other persons would collect together a sufficient sum of money to practise corruption to any very considerable extent. It must likewise be remembered, that any one going down to a borough for such purposes would be vigilantly watched by the heads of parties and persons having local knowledge; and if it were quite certain that offenders against the law would be subjected to a severe punishment, inflicted with little mercy, he thought the number of such attempts would be very small indeed, and a repetition of them would scarcely be attempted. That consideration was the more important, because, although before Election Committees and under these Commissions it was sometimes impossible to trace out with particularity the various agents and sub-agents in the work of corruption, yet there were practised and experienced men connected with the local parties in every borough, who knew as well when bribery was going on, either on their own or the other side, as if it were done before their eyes, and practised in the broad daylight.

Considering the vigilance with which they watched each other, he could not suppose a stranger from London or elsewhere could go down to the borough under the circumstances which he had suggested and yet escape detection; but in order to meet that danger as far as practicable by legislation, he should venture to propose certain provisions in the Bill, rendering it incumbent upon every candidate to declare to the election officer the names of the agents whom he employed. Those agents would also be called upon to take an oath before the election officer in conformity with that taken by the candidate, and which would have the like effect in regard to any funds in their hands, so that no money should be paid at all, but by the election officer, excepting in certain cases of necessity, for which the Bill provided, in which case the agent would be likewise bound to render a true account from time to time, as those minor and inconsiderable expenses were incurred. Having thus provided for the candidate and the agents, he came next to those who were the real, but not the avowed agents, and through whom alone, if the provisions he had mentioned were carried into effect, corruption of any kind could be practised. One man, and that man a stranger, never could commit bribery to any extent. He could not himself know who were the voters open to bribery; and any one, without precise information, going to offer a bribe, would incur the risk of being denounced at once, and brought to justice. Every one going on such an errand must receive local information from those who were on the spot, and who possessed all the knowledge necessary for the practice of corruption. Thus a great number of persons besides the one who actually gave the bribe must be engaged in these nefarious schemes—a circumstance which he could not but deem improbable, having regard to the measure affecting the agents and candidates. But to meet this class of persons there was another provision in the Bill, by which it was competent to the returning officer, upon oath being made to his satisfaction that any person was in or about the borough, and acting in a manner that rendered it likely he meant to proceed to illegal practices, to call upon that party to take the agents' oath. For instance, if a person was seen going about the borough among the lower class of electors, who were most susceptible of corrupt influences, it was competent to the election officer to

call upon him to take the agents' oath, and in all probability, in going through that form, he would be detected, and the threatened corruption prevented. He would not detain the House by more than alluding to a series of clauses designed to render illegal a number of practices, now the source of great expense and the cause of corruption, both direct and indirect, such as the employment of flag-men and flag-bearers, processions, and music, and chairings, which were the bad adjuncts and features of an election under the present system. He trusted, therefore, by this measure ample security would be provided against corruption of any kind, either by the candidates or agents; and the remaining and all-important consideration in any reform attempted to be effected in our electoral system was, what legislative safeguard should be attempted with regard to the protection of the voters. He approached this part of the subject with great diffidence, for whilst, on the one hand, the many persons in and out of that House with whom he had communicated—persons of great knowledge and ability, who had favoured him with their counsel, opinions, and suggestions—had, without exception, approved of the measure as to the election officer, he was bound to admit he had met with many doubts and much disapprobation of the other and not less important measure to which he was now about to call the attention of the House. It was his intention, then, to submit to their consideration a series of provisions to enable the voters throughout England and Wales to give their votes by means of voting papers. He entreated the House not to be misled by the use of that term into supposing that the voting paper which he should suggest was at all in its form, or that the machinery by which it was accompanied was at all like any yet known in the election of Poor Law Guardians or any other proceedings in this country. He proposed to accompany the voting papers with machinery which he could not but believe would afford most perfect security against fabrication, mutilation, or fraud; and before he proceeded to detail the precise nature of the voting papers, he would enumerate the advantages which would be secured, if this part of the measure should be carried successfully into practical effect. If they could but provide some adequate means by which the votes of the electors of this country could be given by means of voting papers, in the first place they

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got rid of all the tumult, agitation, and violence, often attended with danger to human life, which unfortunately prevailed at so many elections. Instead of going to the poll, voters, whether timid, vacillating, bribed, coerced, treated, or intimidated, might give their votes at times and under circumstances when coercion, violence, intimidation, bribery, and corruption were all impossible; and even in the case of infirmity, age, or sickness, they might give their votes in their own bedrooms or in their own parlours. It was well known to those who heard him, that the item of travelling expenses alone in a contested county election amounted to from 5,000*l.* to 20,000*l.* It was difficult in the smallest county to carry on a contested election without that item of expense to each candidate being 4,000*l.* or 5,000*l.*, and when they considered that in the larger counties (not to mention the West Riding of Yorkshire, where the amount must be terrific) vast sums were expended under that head alone, he could not but think they would agree with him it would be a benefit of the greatest magnitude and importance if they could at once annihilate and expunge that item of expenditure from the system altogether. But the evil did not stop there. The consequence of travelling expenses being paid and payable was this: a voter came perhaps 50, or it might be 500 miles, to vote, and he might ask 5*l.*, 6*l.*, 7*l.*, or 8*l.* Who was to determine what was the proper sum? To provide a scale of charges by Act of Parliament was impossible. The difference even between a first and a second or third class fare on a railway rendered anything like the same sum being applicable to all the voters perfectly out of the question. The result of the impossibility to fix any sum, with certainty that justice should be done the voter and the law observed, was, that whatever the voter asked, unless it was manifestly extravagant, was paid, and thus the system became an indirect but common mode of bribery. If a man having spent 2*l.* or 3*l.*, obtained double the sum, that was indirect but complete bribery, to the extent of the surplus. The evil was still greater; for whatever might be the intentions of those who had to satisfy these demands, however anxious they might be to conform to the law, and to pay only such sums as were reasonable, it was impossible to do so in all cases. They might unknowingly pay a man 10*l.* whose expenses only amounted to 5*l.*, or even a



smaller sum. An election petition followed, and although the candidate might come in by a thousand majority, and be as well entitled to represent the constituency as any Gentleman in that House, if the Committee found a man paid more than he was entitled to, and that the surplus was only an indirect means of bribery, they would, as a matter of course, declare the election void. The enormity of the expense, the danger to the candidates, however fairly and lawfully returned, of being unseated, and other considerations, rendered it a matter of great importance to do away altogether with the system of travelling expenses, and that would be one of the consequences of the adoption of voting by voting papers. The same observation applied to treating. Distant voters, who came 200 or 300 miles to vote, whether at a borough or county election, must eat and drink somewhere till their return, and the door consequently was opened wide for treating without limit. If, then, they could do away with the system of voting in person, and enable the absent and distant voter to vote as well where he was as if he came to the polling-place where the election was going on, they would at once annihilate the evils of indirect bribery by travelling expenses and treating at elections. Another evil, of a different character, but an evil of serious magnitude, would be mitigated, if not altogether remedied, should that system of voting by papers succeed—he meant that evil which was the subject of so much complaint in that House—the procuring votes by intimidation and the exercise of undue influence. He hoped that some good would be done in all these respects, and that something like freedom and purity of election would take the place of the bribery, intimidation, and corruption which now so extensively prevailed. He would as briefly and perspicuously as possible state to the House the machinery by which these provisions would be accompanied, and the mode proposed by which votes would be given by these voting papers. In the first place, he proposed that the giving of the vote itself should be the act of signing the voting paper and the declaration which it contained, and the delivery of that paper so signed and declared to some public officer competent to take the declaration and transmit the paper to the returning officer. He proposed, therefore, that at certain periods—once in every year—the magistrates in every county as to county elections, and the magistrates in

every city and borough as to city and borough elections, and the returning officers and certain other assistants in respect to those boroughs which, like the metropolitan boroughs, had no municipal corporation and no local magistrates, should meet and determine upon the number of places, and the places themselves, within the counties and within the cities and boroughs at which the magistrates or other public officers competent to administer and take this declaration should sit for some three or four days before the day of election, in order to take the declarations of the voters, to receive their votes, and to transmit their votes to the returning officer. These places must be sufficiently numerous, and so situated, in counties, that one should be within one, or two, or three miles, at most, of every resident voter. With regard to every voter in counties, they would have three or four days after nomination to give their votes; they would be supplied with voting papers, and they could go to some place appointed, in their own neighbourhood, to which every man in good health could walk without difficulty or loss of time, to give their votes. With regard to absent and distant voters, the provisions of the Bill being that any magistrate in any part of England or Wales, whether in the part for which he was magistrate or not, might take the declaration, they might go to a magistrate or to a barrister and there deliver the declaration, to be by him transmitted by post or otherwise to the returning officer, and thus the vote would be complete. Even in the most numerous constituencies, it was his belief that the greatest number of votes could be given at a very early period of the election, without pressure and without difficulty, and nothing would remain but that the votes should be enumerated. With regard to the voting paper itself, he proposed it should consist of a declaration by the voter of the place for which he was entitled to vote, and that he was the person named on the register. He also proposed that it should contain a solemn declaration, with all the sanctity, though not in the form, of an oath, that he had not received, and would not receive, any species of bribe, reward, or consideration in respect of the vote which he gave. He might as well, perhaps, allude to a few words in it which might have some effect on intimidation. He proposed that the voter, besides abjuring bribery and any species of corruption, should declare, in direct and solemn terms, that he gave

his vote freely and willingly, and according to the best of his judgment and conscience, and not under any intimidation or coercion or undue influence whatsoever. He could not but think that the introduction of those words into such a declaration would have a beneficial effect, and that, when men of power and influence, whether landlords or employers, went to canvass a voter, and the voter said, "My principles are the other way, and you know I have to make a declaration, with all the sanctity of an oath, that I give my vote freely and willingly, and according to the best of my judgment and conscience," the answer would, he conscientiously believed, prevent any pressure of undue influence. That was the nature of the declaration; and to complete the subject, he need only say he proposed that the Queen's printer should print a sufficient number of them, that they should be transmitted to the election officer, and that the election officer, having power under the Bill to obtain the assistance of persons of local knowledge, should transmit them to all the voters on the register. In case of miscarriage, they would be sold at  $\frac{1}{2}d.$  or  $\frac{1}{4}d.$  at every stationer's shop in the Kingdom, so that if a paper failed to reach any voter, he could buy one for a trifling sum, go make his declaration, and transmit it to the election officer. The election officer would then be bound, on the return of the whole of the voting papers, to examine them by the register, and with the assistance of check clerks, employed on behalf of the various candidates, as under the present system, and then the votes would be recorded, and the return made. He did not propose to prevent anybody going openly to the poll on that which was happily now the single day of election throughout the Kingdom. Every one who preferred the notoriety of open voting might go, and openly make their declaration, and deliver their vote as publicly as under the existing law. He might finally observe, that it would be necessary to reserve the power, in cases of personation, forgery, and fraud, of laying aside any of these voting papers objected to by the check clerks or inspectors, either on the ground that the person was dead or the signature fabricated. If the return was not affected by the number of voting papers so objected to, the return would be made; but if, on the contrary, it was affected, the returning officer would have power to investigate the validity of such voting papers; the personated voter

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could be called before him, and he would have the means of determining at once the question of the validity or invalidity of the vote. Under those circumstances, personation, fabrication, and fraud would be almost impracticable, but, wherever practicable, certain of detection; and he could not think any one would incur the severe penalty imposed by law for such an offence when it was certain the return would not be influenced thereby. Such was an outline of the measure he had the honour to submit to the House. He ought to observe, that with respect to the expenses of the election, and in order that the election officer should well discharge the duty he undertook, and that justice should be done to those who had clear and just demands, and also that there should be no excuse for the application of money by or through any one but the election officer, he proposed that that functionary should exact from every candidate a deposit of the amount deemed necessary, according to the prospect of contest or no contest, not exceeding 300*l.* for counties and 200*l.* for boroughs, which he trusted would soon become the largest sum to be expended at any election; and that he should likewise make each candidate give two sufficient securities in 1,000*l.* to meet the expenses of the election. If the House permitted him, in the event of the present Bill receiving its sanction, he proposed by another and a separate Bill to abolish at once the law of property qualification for Members of Parliament. He was not sorry to find the task had fallen into abler hands than his, and that the right hon. Gentleman the Member for Devonport (Mr. Tufnell) had, as he understood, given notice of his intention to bring that question before the House. He (Sir F. Kelly) could only say that should this Bill receive the approbation of Parliament, they would enjoy security for the proceedings at elections, and for the respectability and independence of every candidate for a seat in that House, and he should be very happy to lend his assistance to the right hon. Gentleman in carrying through the House the measure of which he had given notice. He had now given the House an outline of the measure he should have the honour to introduce. He felt he had entered upon a task for which his humble abilities were altogether inadequate, unless he was supported and encouraged by the assistance and approbation of the Members of that House. With that assistance he did not despair of effecting a very great good, and

of putting an end to a very great evil in the constitution of that House. Such were the provisions and such the object of the measure he now asked leave to introduce. He had brought it forward with no party views. He had prepared it in all its details without the slightest regard or reference to party considerations. If it should receive the sanction of Parliament, and should conduce to the great end which he had laboured to attain, he should rejoice that he had lent his humble assistance in giving freedom and purity to that part of our constitution upon which the liberties and the well-being of the people of this country depended.

COLONEL SIBTHORP said, he did not rise for the purpose of opposing this Bill. He had listened with very great attention to the whole of the hon. and learned Gentleman's speech, and he had come to one conclusion, namely, that such a system as had been proposed by the hon. and learned Gentleman was impracticable in its machinery, would be futile in its results, and was by no means calculated to put an end to the existing evils connected with the election of Members of Parliament, admitting that such evils existed. A variety of measures had been proposed in that House for removing these evils, but they had proved to be of little avail. He was happy to say that the constituency which he had the honour of representing was free from charges of intimidation and corruption. He had never yet been able to arrive at a knowledge of what bribery really was. Let the whole of the Treasury bench be closely examined and purified before they talked about putting down bribery outside of that House. If that were done, there might be some hopes of arriving at purity of election. If a more liberal system were carried on at elections, he should have better company in that House, and paupers would not ask to be sent to Parliament. There were persons then in that House, who, he did not hesitate to say, ought never to have been permitted to sit there. Gentlemen of local influence and authority, who exercised Christian charity towards their fellow men, and not paupers, ought to sit in that House. With regard to the officer whom the hon. and learned Gentleman proposed to empower to put impudent questions to voters on tendering their votes, he (Colonel Sibthorp) must say, that to such a Mr. Tomkins or Mr. Jenkins he should be inclined to apply the *argumentum baculinum*

for asking such questions. The whole of the machinery proposed by this Bill was mean, from the beginning to the end. He hoped that this Bill would never pass, but that every liberty would be given to gentlemen of local influence to exercise liberality towards their fellow-creatures, and that that House might be composed of hon. Gentlemen, and not paupers.

THE ATTORNEY GENERAL said, that perhaps he might be allowed to state, on the part of Her Majesty's Government, that it was not their intention to oppose the introduction of the Bill, but it must not be inferred from this that they in any way assented to its provisions. He was quite ready to admit, however, that there was much in the Bill which deserved the serious consideration and attention of the House, while, on the other hand, there were parts in it which he could not help thinking were doubtful, both in policy and detail. For instance, it would be a very doubtful policy to allow votes to be taken through the medium of voting papers. For, if such a plan were agreed to, it would be renewing again what they had flattered themselves was got rid of—namely, the system of protracted polling and scrutiny at elections. The Bill proposed to make a sort of four days' scrutiny, which would be productive of great injury; but it was perhaps premature to enter into a discussion of the provisions now, and he would therefore abstain from touching upon the other parts of the scheme. Still he was bound to confess that the Bill of his hon. and learned Friend was novel alike in principle and details; and on that account it was well deserving the best attention of the House. They could all have but one common object in view, and that was—not as the hon. and gallant Member seemed to suppose, to put down charity—but to put a stop to that tendency to corruption which unhappily had so largely prevailed at elections, and which all men who took a reasonable view of the subject—he meant no disrespect to the hon. and gallant Member—could not but feel was sapping the very vitals of our representative system.

MR. HUME said, he was of opinion that very many of the provisions of the Bill of the hon. and learned Member for East Suffolk would only add to the evils which it professed to remedy. But, if the House was really determined to put down bribery and extravagant expenditure

at elections, why not take the simple and the only effectual mode of doing it? He had introduced a Bill in the year 1826, which was founded on the Report of a Committee, and by which he proposed to provide that no candidate should be subject to any expense whatever. That counties, in the case of county elections, and boroughs, in the case of borough elections, should provide the polling places, and pay every necessary expense; that any man should be at liberty to appear as a candidate; and that every candidate should be called upon to take an oath that he had not applied, and would not apply, a single shilling in the payment of election expenses. The present system was entirely at variance with the course which every man pursued in private life in the employment of servants; and the Members of that House were the servants of the public. It had been hitherto considered that men entered Parliament to serve their own purposes; but that was not the object for which they were elected, and it ought not to be so in practice. The Member of Parliament was the servant of the county or borough which he was elected to represent, and it was his duty to watch over and protect the interests of his constituents and of the country at large. Was it not contrary to all sound principles to place a man in the position of a servant, and to call upon him to incur great expenses before he entered upon his duties? How could they expect him, if they did that, to discharge his duty honestly? So long as they made the Members pay election expenses, how could they hope to escape venality? If Members of that House were beggared by these expenses at the outset, how could they expect them to stand out against the temptation to indemnify themselves in one way or the other? He wished, therefore, that the present system should be altogether done away with, and that every Member returned to that House, whether by a borough or a county, should be returned free of expense. He had already said that he had introduced a Bill which had that object in view, and which also contained a provision that the poll at every election should be taken in one day. This latter provision, rejected at the time, had since become law, and he hoped, if he lived long enough, to see the common sense of Parliament adopting the other also. With respect to the Bill of the hon. and learned Member, he would

*Mr. Hume*

remind the House that there was already an election officer, called a returning officer, appointed; that he took from the candidates a deposit, for the payment of such expenses as were recognised by law; and that the money so deposited was expended under his direction, and by his authority. He did not say how the system had worked; he knew that in many instances these officers had taken five times as much as they ought to have done for expenses; but there, at all events, the system was. He thought that the simple protection of the ballot, with a considerable extension of the suffrage, would be the most effectual protection against intimidation and undue influence. He had no wish to destroy that fair and proper influence which the man who was kind as a landlord and as a member of society, who stood high and was respected in his station, and who endeavoured to benefit his fellow man and to promote the welfare of his neighbours—he had no wish to destroy the influence which such a man must have when an event like an election came round. It was the bribery which was a great evil, and he thought they would be putting an important check on that by adopting the simple mode which he had proposed of putting an end to all expenses, and imposing an oath on every individual Member before he took his seat that he had not paid, and would not pay, any.

MR. H. BERKELEY said, he was not about to oppose the introduction of this Bill; but he must express his opinion that it would not only not stop intimidation, but would give increased means to the intimidator; neither was it calculated to stop bribery. If a very stringent oath would stop bribery, he would admit that his hon. and learned Friend had invented one which was very stringent indeed; but they all knew that those who had done wrong would swear they had done right; and he was satisfied that no oath, however stringent, would have the desired effect. He trusted that hon. Members would make themselves masters of the measure before it came on for a second reading; but, giving his hon. and learned Friend full credit for the sincerity of his intentions, he must express his opinion that the House would be neglecting its duty in permitting it to pass another stage.

*Leave given.*

Bill ordered to be brought in by Sir Fitzroy Kelly, Mr. Packe, and Mr. George Butt.



## PAYMENT OF WAGES.

MR. C. FORSTER said, that in moving for leave to introduce a Bill to alter and amend the Truck Act, he requested the kind indulgence of the House while he brought under its notice a subject of great importance to the mining districts of South Staffordshire, and to various other parts of the Kingdom. It was a question which was not now for the first time presented to the consideration of that House. In the year 1831 a special Act of Parliament was passed, popularly known as Littelton's Act, for the purpose of enforcing the payment of wages in money; and no man could be more sensible than himself of the great benefits which that Act had conferred on the district in which he lived. The time, however, had come when it was necessary to introduce into it some more stringent provisions. The noble Lord who had introduced it (Lord Hatherton), and with whose name it was connected, now a Member of the other House, was fully sensible of this necessity. Previously to the passing of the Statute to which he was referring, an employer, in an action for wages, could set off the amount of goods supplied in lieu of wages against his servant's demand; but the Act not only provided that no such set-off should be allowed, but went on to enact further, that no action brought by an employer against his artificer, to recover the value of goods which had been furnished on account of wages, should be maintained. These provisions established the illegality of any but money payments, and paved the way for that further legislation which he was now about to ask the House to sanction. From 1832 to 1842 complaints of evasion were frequent, and in the latter year a Select Committee was appointed to inquire into the truth of these alleged evils. The Committee did not report, but the existence of the evil was amply proved by the evidence adduced before them. In 1851 a deputation, composed of gentlemen from the localities in which the truck system prevailed, waited on the right hon. Baronet the Member for Morpeth (Sir G. Grey), then Secretary of State for the Home Department, with respect to these evasions of the Act, and in consequence a Commissioner was appointed to inquire into them, and report as to whether they resulted from the state of the law, and as to what amendments would be necessary. The Commissioner, Mr. Tremenheere, collected a mass of evidence on the subject, which was published two years since, and

the Bill which he proposed to introduce was founded upon the facts which Mr. Tremenheere's Report had established, and was in accordance with the recommendations contained in it. The Act was most frequently evaded by a system of collusive payments, which the Report briefly described. The workman, or some one in his behalf, ordered at the shop a certain quantity of goods, which were packed up and put aside for him; and, at the same time, a bill was delivered to him, specifying the amount of his purchase. With this bill, or the memorandum, he went to the cashier, who gave him the amount in cash; and he immediately returned to the shop, paid the money there, and received the goods in exchange. Another mode which was resorted to was to make advances to the workman, ostensibly by way of loan, upon the understanding that a certain proportion—and it was generally a large proportion—should be laid out in goods at the shop. Sometimes goods were supplied upon the credit of a third party, and the workman gave an order on his employer on the account. The result was that the men never got the full value of their wages, being obliged to lay out a considerable part of them in goods, which were not only of inferior quality, but were charged for at a rate much higher than the market price. The existing Act, while it struck at the root of collusive contracts, overlooked the question of collusive payments; and, for the purpose of remedying this defect he proposed in this Bill to enact that anything done to prevent the workman from having the entire control of his wages should be a violation of the third section of the Truck Act, and be punishable by the penalties which that Act prescribes. He held in his hand a letter from a correspondent at Bilston, containing information as to the working of the present system, some of the statements in which he would briefly bring before the House. It appeared from that letter that in some cases the workman was expected to lay out at the shop 10s. out of every "draw," so that if the "draw" amounted to 12s. he had only 2s. to take home to his family; if he did not lay out the full amount, he was punished at the next draw by the ordinary payment on account being withheld from him, and by being told that he must wait for his wages until the next general settlement, which might not be for two or three weeks. If he refused to work he was liable to be sent to prison. The goods supplied were

charged at from 1*d.* to 1½*d.* per lb. above the retail price, and the women were often kept waiting about for hours; so that instances had occurred in which children had been burnt to death during these absences of their mothers. He did not object to the masters becoming shopkeepers if they pleased. It was a libel on those who wished to put down the truck system, to say that they had any such objection. If the masters chose to descend to the position of the retail dealer, let them do it by all means. In that case, let them put themselves upon a footing with the other shopkeepers in their neighbourhood. What they wanted was to put an end to a system of collusive payments, under which the workman received his money in one part of the establishment and exchanged it for goods in another. Let him have a *bond fide* payment in money of the wages he had earned, and let him be free to lay it out where he pleased, so that he might have what was accorded to the rest of the community—the benefit of full and free competition. He proposed to make an alteration also in the amount of the penalty. At present it was not less than 5*l.* nor more than 10*l.* for the first offence—not less than 10*l.* nor more than 20*l.* for the second—and it was only a third breach of the law that was liable to be treated as a misdemeanor. He proposed to make the penalty not less than 10*l.* nor more than 20*l.* for the first offence, and to constitute the second a misdemeanor, for it was evident that, while the profits of the “tommy shops” amounted to hundreds, and sometimes to thousands a year, penalties so light as those which now existed would have no effect in putting an end to the system. The knowledge that he would have to answer the charge before a jury of his countrymen, would probably have more influence upon the master in preventing him from persisting in it than anything else that could be devised. As regarded the time for laying the information, taking into consideration the difficulty of getting men to come forward to give evidence, he proposed to enlarge the time within which informations might be laid from three months to six, and instead of leaving it to the discretion of the magistrates to dispose of the penalty—a discretion which had been sometimes exercised by awarding to the informer no more than 40*s.*, he proposed that the informer should be entitled to one-half the penalty absolutely. He knew that this was an arrangement which was generally

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looked on with some jealousy; but, considering the enormous expenses which were incurred in prosecuting to conviction—in one case they had amounted to as much as 80*l.*—and considering that the funds for the payment of these expenses had to be provided principally by the workmen and small shopkeepers—he hoped the House would not object to carry out in this case the principle which had been recognised in reference to officers of the revenue; and, instead of leaving the local associations to fight the battle unassisted, would give them some portion of the penalty to assist them in enforcing the law. He knew it had been said that the increased value of labour rendered all legislation superfluous, and that there was no pressure from those on whose behalf they were called upon to legislate. He could only refer to the petitions which he had presented, and state the fact that not only from his own constituents, but from other parts of the country, he had received communications representing that the evil was one of urgency, and one that called for the immediate interference of Parliament. He would admit that there was not the same pressure, the same agitation, that there had been in other cases; but he thought they ought to take advantage of that circumstance to deal with the difficulty while they could do it calmly and with deliberation, and before it had assumed that formidable shape which other differences between masters and their workmen unhappily now presented. They had here an opportunity of applying a practicable remedy to an admitted evil, and of promoting thereby the interests of social order, of the honest employer, whom these “truck” masters or “tommy” shopkeepers, by reason of the large profits which they derived from the present system, were enabled to undersell, and of the labouring poor. A Bill had been introduced last year by the noble Lord the Secretary of State for the Home Department, which was withdrawn on account of the approaching termination of the Session; the noble Lord proposed to refer that Bill to a Select Committee, and he (Mr. Forster) was prepared to adopt that course with the present measure; and—although he knew the disadvantage of its depending upon his feeble advocacy instead of being introduced by the noble Lord, so distinguished for administrative talent—by doing so, they would give a proof to the working man that, amid more exciting topics, they were not neglectful of his interest, and convince him

that the protection of his rights was not to be found in trade-unions or strikes, but by stating his grievance, which, when proved, stringent legislation should prevent his being deprived of his right to receive a fair day's wage for a fair day's work, the payment for which should be in the lawful coin of the realm.

MR. PETO said, that in supporting the hon. Gentleman's motion, he would beg to suggest that there was no necessity for the Bill being referred to a Select Committee. A great deal of attention had been given to this question and many inquiries made, and he (Mr. Peto) could not conceive any circumstances under which the payment of a man's wages should be withheld, or that for such payment anything else should be substituted for money. When first he became connected with public works the payment of money was the exception and not the rule; but, from twenty-five years' experience, he could conceive no reason why there should be a departure from the rule, that a man's wages should be paid in the current coin of the realm. The firm with which he was connected had employed in England, Canada, Denmark, Norway, and various parts of the Continent, 30,000 men, and they never paid wages otherwise than in money, and always took care the men had it in sufficient time to derive the full benefit from it for their families. He asked the hon. Gentleman and the Government not to refer the matter to a Select Committee, but to a Committee of the whole House, and he was certain there was no hon. Member but would say that the proposed measure sought to secure to the workman his simple and inalienable right. Let them make the Act as stringent as they might, they could not be doing an injustice, as it was but right that an obligation should be discharged in the spirit in which it was incurred—by a proper payment at the proper time.

MR. HUME said, no man could be more anxious than he was that the workman should receive the fullest and best remuneration for his labour; but it was only deluding the workman if they thought a Bill of pains and penalties like this would prevent the master and workman from making whatever bargain they thought proper. Such Bills as this always had been, and always would be, evaded; but it was never evaded except when it was for the interest of both parties; and therefore the hopes which these Bills

served to hold out were purely delusive. Far better would it be for the House, instead of wasting time upon such measures as this, to instruct the workman upon the law of political economy, and remove from his mind everything like an idea of injustice in a system which could be made to work as much, nay more, for the advantage of the employed as for that of the employer. For instance, when Mr. Dale established his mills in Lanarkshire, he supplied his workpeople with provisions much better, and at a far cheaper rate, than they could have got them in the market; and he had no doubt there were numerous other cases where the same principle of reciprocity had proved advantageous to the workman. An experience of thirty-five years had taught him that these Bills did more harm than good, and he hoped the House would not sanction the present measure.

MR. H. A. BRUCE said, that as he lived on a borderland, just between two parts of the country, in one of which the truck system prevailed, and in the other it did not, he could give the clearest evidence as to the effect that system had on the workpeople. As there were but few savings banks in his part of the country, the people of the populous district near Merthyr Tydvil, where the truck system did not prevail, invested their money in building cottages, a large proportion of which were built by them out of their savings. On the other side of the mountains, where the truck system prevailed, where their circumstances were in other respects precisely similar, not one-tenth of the cottages were built by the workmen. This, he thought, was conclusive evidence that the surplus, after ordinary expenditure, did not reach them in such fulness as it did those whose wages suffered no diminution from the truck system, and who were free to purchase as other people were. The result of his observations upon the working of the truck system was, that it had a mischievous and baneful effect upon those habits of economy which it was most desirable they should encourage, and which formed the surest basis of the present well-being and future progress of the working classes. Whatever might be the opinion of the House upon the truck system, he thought it was clear that the present law ought to be seriously considered, and, if necessary, amended. The working classes saw the law violated daily by the rich and powerful, and the

natural conclusion to which they came was, that the rich and powerful were allowed to break the law, while the poor were not permitted to do so. They constantly saw rich men brought before the magistrates; they witnessed a failure of justice; and it was natural that they should attribute the circumstance not, as was really the case, to the imperfection of the law, but to the leaning of the magistrate towards the course of the rich and powerful. He could himself vouch for the existence of such feelings, having, unfortunately, had to hear charges brought under the Truck Acts, and occasionally to inflict penalties, and he had had frequent occasion for remarking how difficult it was, under the existing Act, to administer the law in the spirit in which it was intended to be administered by the Legislature. He had little doubt, however, that if the hon. Member for Walsall (Mr. C. Forster) succeeded in carrying this Bill, which had been very carefully drawn, many of the existing difficulties would be removed, and that a deathblow would be given to a system which, in his conscience, he believed had been one of the greatest causes of the degradation of the working classes in the mineral districts of England and Wales.

Mr. BRIGHT said, he was not disposed to offer any opposition to the introduction of the Bill, though he had not the smallest faith that any benefit would arise from it. He believed it to be one of that numerous class of measures introduced every Session which the House received with a great deal of amiable feeling, and which they allowed to go on two or three stages, because, though they were satisfied that such measures would do no good, they believed they would do no harm. The hon. Member for Montrose had referred to the various measures that had been passed upon this subject in the course of his experience. He (Mr. Bright) presumed that the argument in favour of any legislation on this question was, not that workmen were supplied with food, but that they were supplied with food at shops to which they were forced to go, and where the price charged was higher than they would have to pay if they were to go to other shops, and if what was called "unrestricted competition" was allowed. It had often struck him that though the truck law was the same all over the Kingdom—except with regard to farmers, who, he believed, were excepted altogether from its operation—although that law extended

through the cotton as well as the iron districts, since he had been in that House, a period of ten years, he had never heard any complaint of the existence of the truck system in the cotton districts of Lancashire and Cheshire. He thought it would be worth while to consider whether there was any reason why they had such complaints from the iron districts and none from the cotton districts, although the law with regard to both was the same. What could be more easy than to establish the truck system in the cotton districts? The cotton manufacturers employed as large a number of persons as were employed by the majority of masters in the iron and coal districts, and yet they did not find it to their interest—or, if they did, they did not avail themselves of the opportunities taken in the iron districts—to establish this system. They certainly had every motive to adopt it so far as profit was concerned, but yet they had not adopted it. He did not know whether the employers and workpeople in the cotton districts were a superior class to the employers and workpeople in the iron districts, but, at all events, they obeyed the law; and, if this system was bad for the workmen, he did not think that, in the long run, it could be good for the employers. He understood that, both in the iron and coal districts, there was at this moment a great dearth of labour, and that wages were extremely high. Indeed, they had seen in the newspapers accounts of strikes among the workpeople in those districts. If men were striking who received 6s., 7s., or 8s. a day—men whose incomes rendered them liable to the income tax, why should Parliament be called on to legislate for them? Would Parliament legislate for men who received 100l. a year wages for eight or nine hours' daily work, and who yet complained that they were forced to go to particular shops to get their goods? Surely, men who could get up strikes against the owners of ironworks and collieries, who could maintain those strikes for weeks and months, who could organise trades' unions and fight contests before the courts of law—surely, if these men felt the truck system a real grievance they would put down such a tyranny as this was represented to be. He believed that in the cotton districts the working population would not submit to be forced to a shop to which they were unwilling to go. Would it not be as well if his hon. Friends the Members for Walsall and Merthyr Tydvil would recommend to those whom



they represented in this matter, that, by an improvement in the moral feeling and the moral views of capitalists and employers, this evil might be put down altogether, as it was, he believed without exception, in Lancashire? He believed that Acts of Parliament would not have the slightest influence in repressing the practice. He believed that no law, however carefully framed, would effect that object. He would undertake to say, that if the 109 lawyers in that House, and those who were to be added by the Reform Bill, were to lay their heads together and draw a Bill on the subject, unless some much more powerful influence operated both upon masters and workmen, the truck system, if it was profitable, would still be continued in spite of Acts of Parliament. He did not object to the introduction of the measure; it was not worth while, for that House always favoured the bringing in of these little peddling measures of legislation. He admitted that his hon. Friend the Member for Walsall (Mr. C. Forster) was actuated by the best motives in bringing this subject forward. His hon. Friend might think that he (Mr. Bright) was mistaken as to the probable operation of the measure. He might be mistaken, but he concurred entirely with his hon. Friend as to the result he desired to attain, and he wished that the districts of Staffordshire were in the same position as Lancashire with regard to this system. He (Mr. Bright) could only say that if the truck system was established in his district and was prospering there, he would do all in his power to dissuade the workmen from submitting to it, and the masters from carrying it on. He believed that the reasons which had induced its discontinuance in Lancashire would be sufficient to prevent its continuance in other districts; and he was satisfied that such a Bill as that of his hon. Friend, which warred against the interest and customs of a district, would only share the fate of those measures which had preceded it on the same subject. It would hold out delusive hopes to the workmen that something would be done for them, and in the end they would be disappointed.

MR. CRAUFURD said, as one of the 109 lawyers to whom his hon. Friend had referred, he rose to say how much he agreed with him in the view which he took of this subject. He believed that no law, however stringently drawn and carefully carried out, would be successful in putting a stop to the truck system while it was the

interest of masters and workpeople to continue it. A Bill on this subject was introduced last Session, and he formed one of a deputation which waited upon the noble Lord the Home Secretary, and made representations to the noble Lord that resulted in the withdrawal of that measure. That deputation brought facts under the noble Lord's notice which showed that, so far from the establishment of shops in connexion with mines and collieries being in all cases obnoxious to workmen, in some of the large iron districts such shops had been specially established at the unanimous request of the workmen themselves. One case was mentioned where extensive works were situated in a large valley, Coalbrook-dale, eight or nine miles distant from any town to which the workmen could go to purchase the articles they required. It was found that all the trade in that valley was in the hands of small hucksters, who had a complete monopoly, who combined together, who sold bad goods at high prices, and who also used false weights. The masters established shops themselves; there was on complaint on the part of the workmen of the manner in which those shops were conducted; and it appeared to him that this Bill was an attempt to legislate against a system which, under the care of fair and honest employers, might be a benefit, rather than a disadvantage to their workpeople. He considered that the laws relating to masters and workmen were in so complicated a state, that a full inquiry into that question ought to take place before any further legislation was attempted. This Bill was introduced upon the assumption that a Truck Act was the only means of preventing the abuse of the truck system. Now, he held that a Truck Act was not only utterly useless, but actually mischievous, and he thought there were other means by which they should seek to benefit the workmen, and to break down the overbearing influence of capital in this country. He would suggest whether the establishment of the principle of limited liability would not be more likely to bring about the independence of the working classes than any interference of this kind. The subject was, however, so beset with difficulties, that he thought the best course would be to appoint a Committee of the House to investigate the whole question. He was happy to understand that the Commission appointed to consolidate the Statute Laws were at this moment engaged in drawing up a report on the whole

state of the law as between masters and workmen, from which he anticipated great good. He would not oppose the introduction of the Bill; but he thought, before they allowed it to proceed further, the House should consider whether it would not be more advisable to repeal the existing Truck Acts, than to enact new ones. He hoped his hon. Friend would not press the second reading of the Bill until time had been given for a Select Committee to investigate the subject.

VISCOUNT PALMERSTON: I shall, of course, Sir, support the Motion of my hon. Friend for the introduction of this Bill, in conformity with the pledge I gave at the close of last Session. I brought in a Bill to the same effect as that of which my hon. Friend has given notice, and I did not withdraw it in consequence of any change of opinion as to the principle of the Bill, but only because the Session was drawing to a close. There was also considerable objection to some details of the Bill, and it appeared to me impossible at that period of the Session to give those objections that fair inquiry and consideration to which they were entitled. I quite agree, that on general principles it is much better to leave classes of men to arrange between each other, and to settle as best they can, all matters connected with their mutual interests. But at the same time we know perfectly well that, from the artificial arrangements of society, cases will arise in which some of the parties are more or less dependent on the others, and unable therefore to take proper care of their own interests and concerns. It cannot be disputed that before the introduction of the Truck Act there were great abuses practised in some of these districts. It is perfectly notorious that at times when the masters had a pull on the men, in consequence of the state of trade, they compelled them, on pain of dismissal, to accept things which were given them at prices far beyond their value, and for which they had no use whatever, such as shovels, tongs, and pokers, as part of their wages; and the men were obliged to sell them again for a very small proportion of the sums for which they had been received. On principle, I am therefore prepared to say that wages ought to be paid in money; but then comes the difficulty which has been alluded to. You may compel the master to give the man a payment in money, but there are many ways in which that arrangement may be evaded and impeded by

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subsequent operations. The workman is told, for instance, "Here is your money," but there is a shop; and unless you take your money to that shop, and leave part of it there, we cannot employ you any more, and some other man shall be put in your place." The natural provision of the Bill was, that no shop should be allowed to be established on premises belonging to the master. But it was stated to me, last year, that in many of the iron works, for instance, where the premises formed an entire district, or filled a considerable space, a provision of that sort might clearly interfere with the comfort of the men; because, as an hon. Gentleman said, cases may happen in which there is not any difference between the prices of the provisions supplied at the shop established by the masters, and those of any other shop where the workman could, at a fair price, obtain the goods they wanted. I thought these difficulties were sufficient to induce me to withdraw the Bill at the end of last Session, and to enter into an engagement with my hon. Friend (Mr. C. Forster) that, if he would bring in the Bill this year, I would agree to its being read a second time, and referred to a Select Committee. I think that would be the best course for the House to pursue; and I hope my hon. Friend will, in the first place, put off the second reading for some little time, to enable those whose duty it will be to examine the provisions of the Bill, to look into it, and will then refer it to a Select Committee.

MR. MUNTZ said, he did not wish to oppose the introduction of the Bill, but he thought the noble Lord had shown that, with very few exceptions, such laws were totally ineffectual. 'After forty-five years' extensive experience in the employment of workmen, and never having adopted the truck system, and never desiring to do so, perhaps he (Mr. Muntz) might be allowed to give the House a little advice; and to show them that all that could be done in the way of legislation would be disappointing to the parties whom they wished to serve. He remembered that ten years ago, when Sir Robert Peel was in office, and when Mr. Ferrand made violent attacks upon masters for their treatment of their workpeople, and ascribed all the evils that afflicted the working classes to the truck system, he (Mr. Muntz) ventured to offer to show the House that all the laws they could pass would never prevent the system of truck. His statements at that

time convinced the House generally that it would be quite unavailing to pass laws to put down that system, and Sir Robert Peel said that he (Mr. Muntz) had perfectly satisfied him that they would be ineffectual. He (Mr. Muntz) then said that it was not necessary for any master to have a shop for truck; it was not necessary for him even to say that he wished to truck his men, or to say that they should buy their provisions at a certain shop or place. All that it was necessary for the master to do was this—he could make arrangements with any shopkeeper to allow him so much per annum if he sent his men to that person's shop to buy provisions. It was only necessary for the master to recommend his men to deal at that shop, and if the men did not deal there the consequence would be that there would be no work for them. Here they had the truck system without any power of legal prevention. He thought the present was an unfortunate time for the introduction of such a measure as this, when the employed were disputing with their employers. There were not now half a dozen men running after masters, but the masters were running after the men, and any workman of sober and industrious habits might obtain work at higher wages than he (Mr. Muntz) had ever known. Under such circumstances how was it possible that any master could truck? But let a time of pressure arrive, when the men were running after the masters, and then let them see if they could prevent the truck system. By the simple plan he had mentioned any truck law might be evaded, and therefore he disapproved of this Bill, which, in his opinion, would deceive the working classes and the country.

SIR HENRY HALFORD said, that in the last Session of Parliament he had introduced a Bill with the object of securing the payment of wages without stoppages. That measure applied mainly to the hosiery manufacture in the midland districts, but the system to which it related was intimately connected with the truck system, and he hoped that the system of stoppages would be investigated by any Committee that might be appointed on this subject.

MR. M'MAHON said, that all the measures intended to put down the truck system had failed because the only punishment provided was a pecuniary penalty. The crime had been committed because it had been profitable. The punishment was a penalty of 10*l.* for the first offence, by which the offender might have realised

1,000*l.*, and 20*l.* for the second offence; but when a man was making thousands of pounds by the truck system it was absurd to endeavour to repress it by such penalties as these. The hon. Member for Manchester (Mr. Bright) had suggested that the hon. Member for Walsall (Mr. C. Forster) should appeal to the moral feeling of his constituents. He (Mr. M'Mahon) considered that if the truck system was a crime at all, the proper course would be to substitute personal for pecuniary penalties. By the existing law, a person who had been convicted twice before the magistrates of offences against the Truck Acts, and who committed a third offence, might be indicted for a misdemeanor. Now, the cost of a prosecution for misdemeanor would be upwards of 100*l.*, and there was no opportunity for the prosecutors to get back their costs; but the highest penalty to which a manufacturer was liable for a third offence against the Truck Acts was a fine of 100*l.* He (Mr. M'Mahon) conceived that a person convicted of such an offence should be liable to fine and imprisonment. As the law now stood, the expenses of the prosecution exceeded the fine, and the person who was convicted of the misdemeanor laughed at the prosecutors, who suffered more than the offender.

MR. J. G. PHILLIMORE said, the circumstance of past legislation not having been effectual in checking the evils of this system, was no reason why they should not attempt to do something more. He was assured, however, that, so far from the present law being nugatory, it had been productive of much good, and it only required to be made more judicious in order to work more satisfactorily. Until they applied a judicious law, it was mere nonsense to say that legislation was useless. The fact of an Act of Parliament being evaded ought to operate as an inducement to them to amend its defects. It was quite evident that the truck system had a mischievous effect upon the working classes; and as they were the support and strength of the nation, it became the bounden duty of that House to do their utmost to throw around them some protection.

Leave given; Bill ordered to be brought in by Mr. Charles Forster, Mr. Littleton, Lord Paget, and Mr. Henry Austin Bruce.

#### TENANTS' COMPENSATION (IRELAND).

MR. SERJEANT SHEE, in moving for leave to bring in a Bill to provide compensation for improvements made by te-

nants in Ireland, said that it might not be unnaturally supposed that, after the Bills which had been brought in and sanctioned in all their provisions by this House, and in their principles by the House of Lords, a person asking to introduce another Bill had some intention to disturb rather than to promote a practical settlement of the question. He was anxious, therefore, that his object in bringing forward this measure should not be misunderstood. He felt the most implicit confidence in the assurances received on the first night of the Session, from the right hon. Secretary for Ireland, that Her Majesty's Government were not weary of the good work they had so nearly conducted to a successful issue during the last Session of Parliament. If he were asked, then, why he did not wait till the Bills of the Government came down from the House of Lords, his answer was that he did it to prevent disappointment, and because he thought it of the utmost importance that, before Parliament and the Government were committed to the provisions of any particular Bill, they should have before them, in precise and definite language, the views of one whom the people of Ireland had entrusted with the expression of their opinions upon the subject. He was not afraid that his views would be considered ~~too extreme~~ for either that House or the House of Lords. His belief was, that the Parliament and the people of England were anxious to see the people of Ireland prosperous, contented, and happy. He differed from the right hon. and learned Gentleman who represented the University of Dublin (Mr. Napier) in one respect—namely, that he was not so much afraid of the House of Lords as the right hon. and learned Gentleman appeared to be. He believed that the House of Lords, equally with the House of Commons and the people of England, would pass any measure proved to be useful, and which would not trench upon those sacred rights of property which were the foundations of all civil society, and the main support of the institutions of the country. Having never in the slightest degree contemplated an entrenchment on the rights of property, he was not afraid of the House of Lords. What he proposed was for the benefit of all classes—landlords, tenants, labourers, shopkeepers, and artisans. It was not his intention to enlarge upon the principle of compensation, as it had been already affirmed by the Bills of different Governments, that of Lord Derby as well as that of Lord Aber-

deen. He wished rather, while pointing out the main features of his Bill, to show in what it differed from that passed in the last Session of Parliament. Last Session a Bill had been passed entitled the Land Improvement Bill, enabling proprietors to borrow money for the purpose of improving their estates, and it specified the various classes of improvements which it was most desirable to encourage, enabling landlords to borrow money, and to charge their estates for every 100*l.* with a rent-charge of 6*l.* 10*s.* during a period of twenty-two years. And it contained a clause which authorised the Board of Works, when those improvements were made, to raise the rents upon the tenants of the lands thus improved. Next came the Leasing Powers Bill, which enabled persons of only limited estate to grant leases to their tenants for terms of years varying from 61 to 999 years, according to the nature of the lease, and provided that such concessions so granted should be binding upon their successors. And it also provided that persons with only limited interests—such as corporations, trustees, &c.—should have power to make agreements without the intervention of a lease, which should be binding upon their successors, authorising tenants, in consideration of compensating periods or money payments, to undertake a variety of improvements. These were, to erect agricultural buildings, to make farm-roads, to execute main and through drainage, the clearing of land from rocks and stones, and the construction of boundary fences. The next Bill, the Tenants' Improvement Compensation, secured for the tenant who should hereafter make, or had already made, certain specified improvements in his holding, compensation, in case of his eviction for other cause than non-payment of rent, or breach of condition contained in a lease or agreement. In a word, the Bill declared that the value of the specified improvements ought to be secured to the holders, and the improvements thus provided for by the Bill were of four kinds—namely, the erection of farm-buildings and farm-houses; the reclamation of waste land, or cut out bog, the making farm-roads, and the making of boundary fences. It was impossible for any one who had read the Bill with an understanding mind, not to acknowledge that it was a vast improvement upon the existing law, or that it was a Bill constructed upon a truly conservative basis, and contained principles which, if carried to their legitimate conclusions, would put an end



to that succession of crime and outrage in Ireland which had been so long a scandal to the world. It appeared to him, however, that there were defects in the Bill which must be remedied in order to make it a really useful measure. His object was to effect an alteration in the Bill, so as to do away with those defects. Now, in the first place, the Bill proposed that there should be compensation for only a certain class of improvements. In this respect the Bill seemed to him to be wholly insufficient; for it omitted one class of improvements that had never been omitted in any of the Bills of Mr. Sharman Crawford, Lord Lincoln, Lord Stanley, and Sir William Somerville—namely, the important improvements of main and through drainage. What was the use of promoting the improvement of land in Ireland if the most important description of improvement was to be excluded? Such an omission was not to be found in the Bill of the right hon. and learned Gentleman below him (Mr. Napier), for it contained a provision compensating the tenant not only for all main and through drainage to be executed, but for that executed already. It contained also a provision for the improvement of the land by clearing away rocks and stones. Indeed, the Legislature had already evinced its idea of the importance it attached to works of this kind, when it authorised, by the 9 & 10 Vict. c. 101, the public money to be lent for such a purpose. As to the utility of encouraging such improvements, abundant information would be found in the Work on the “Tenure and Occupation of Land in Ireland,” by Messrs. Vance and Ferguson, both members of the Irish bar, and who were very well known to the right hon. and learned Gentleman (Mr. Napier). Sir Robert Kane also stated that, between the years 1842 and 1844 no less than 48,000 acres of land had been drained, at an expense of 120,000*l.*, out of which 95,000*l.* had been expended in labour. He had with him letters from nine Irish tenants in the County Down, men of character, which proved that this idea of the value of such improvements was not a mere theory, put forth by scientific men, but that it existed among the farming classes themselves. It was, then, exceedingly unwise to exclude from the Bill such a class of improvements; and the same objection was to be urged against its non-admission of clearing away rocks and stones as an improvement, for it was very well known that there were large

tracts of land in Ireland, of otherwise a very valuable character, so encumbered with rocks and stones that it was impossible to undertake in their regard the operations of sub-soiling or trenching. And he saw no reason why all other improvements which increased the annual letting value of the estate—such as embanking from the sea or tidal waters, the repair of fences or drains, streams, or water-courses—should not be admitted. He had also a very serious objection against clause 10, and here he believed he had ground for quarrel with the right hon. and learned Gentleman, for he believed it might be attributed to him. The clause declared that there ought not to be any compensation for improvements made with the capital of the tenant unless he was evicted for other cause than the non-payment of rent or breach of condition. He believed that this was placing too great a power in the hands of the landlord. The forfeiture of the lease was sufficient protection for the landlord against a breach by the tenant of its conditions. The landlord was entitled by the 13th clause to set off against any claim which the tenant might make for compensation,—claims for dilapidation, waste, or want of repair in the improvements which the tenant might have made with his own capital, arrears of rent, or any damage arising from breach of condition or non-payment of rates and taxes; surely this was enough. Was it reasonable that where the tenant fell into arrear the landlord should have the power of evicting him, and thus, to use a local phrase, “rob him of his improvements?” There might be cases where the tenant was only 100*l.* in arrear, and his improvements had cost 300*l.* Under this clause he would thus lose 200*l.*, of which the landlord would have the immediate benefit by letting the farm at a higher rent to another tenant. The Bill compelled the tenant to lay out money up to the last day of his tenancy in keeping his own improvements in repair. It was therefore unreasonable that the landlord should have the power of taking away the tenant's whole property in his improvements. It would be quite sufficient to give the landlord the power of deducting the arrears due to him from the value of the tenant's improvements. It was not generally true that the improvements of the tenant were made at a time when, instead of spending his money on them, he ought to have paid his rent; that objection was to

be met simply by a denial of the fact. In Scotland, every man who let a farm let it with a warrantee that it was fit for the purposes for which it was let. He was supposed to have provided all that was necessary for those purposes, and if he had not done so the tenant was entitled to do so himself, and charge the expense of it to his landlord. In Ireland no such law existed. In all parts of the world except Ireland, if the landlord did not provide what was called the proper *instrumenta* for the farm, the tenant had the right to do so, and if a landlord, as the right hon. Gentleman supposes, said to an improving tenant, "You have done this with my capital," the answer was, "You ought to have done it yourself; it was impossible for me to pay you the rent without its being done." There was a work published lately by Mr. Gisborne, an eminent agriculturist, in which he stated that it would be impossible for any tenant to carry on agriculture upon his farm with advantage to himself or his landlord, without a series of improvements which he enumerated, and for which improvements it was but common justice that the tenant should be entitled to claim compensation. But, further, the measure introduced by the Government in the last Session deprived the tenant of all claim for compensation for improvements, except in the case of his eviction. He (Mr. Serjeant Shee) wanted to know why only on eviction? It should be recollected that the farms in Ireland, generally speaking, were let to the tenants from year to year. The tenant could always leave his farm by giving six months' notice to quit. The tenant under this limitation could not exercise his right of giving notice to quit, except at the sacrifice of all his property invested in the land. The Government Bill proceeded upon the supposition that the tenant was the man to improve. If that be so, why did they not give the tenant every inducement to improve? The inducement they had given him was by no means sufficient. The landlords of Ireland were to a considerable extent English as well as Irish. It was remarkable that the English landlords improved their estates in England, while they neglected to improve their estates in Ireland. The fact was, that a custom had grown up which exempted the proprietors of land in Ireland from the responsibility of their neglect in this respect, and no disgrace attached to it. After all, to the tenant they must look for improving the agricultural condition of Ireland. The

*Mr. Serjeant Shee*

average size of the farms in Galway was thirty-five acres; in Mayo, twenty-nine acres; in Roscommon, twenty-two acres; in Clare, thirty acres; in Kerry, forty-six acres; in Cork, thirty-nine acres; in Down, nineteen acres; and in Armagh, thirteen acres: the two last-mentioned counties being the most prosperous in Ireland. On farms of this size none but the tenants could be expected to make improvements. He was assured that in one Joint-Stock Company in Ireland there was no less a sum than 1,500,000*l.* deposits, the property of small farmers, and in another 1,300,000*l.* belonging to the same class. All this would be invested in the soil, if security was provided for it by the law. In Ulster, where a tenant-right custom existed, it was calculated that there was an amount of tenant improvements to the extent of 14,000,000*l.* or 15,000,000*l.*, being property that was regularly made the subject of family settlement, bequest, and sale, with the knowledge and sanction of the landlords. Some few years ago Lord Caledon wished to throw some of the land that was in the occupation of his tenants into his own park. The land was held by tenants from year to year. His Lordship positively paid those tenants 12*l.* an acre for such land, and threw it into his own park. Surely, if a tenant died, and left a family after him, his representatives should have the power of claiming compensation for the improvements he had made. Again, if the tenant should find himself in difficulties, he ought to be permitted, before a large arrear of rent has accumulated upon him, to sell his improvements and apply the proceeds of them to the benefit of all his creditors. A difficulty was suggested as to how arrangements for securing compensation to tenants for their permanent improvements could be adopted with justice to the landlord. The tenant's claim might be made at a time of great depression, when the value of a permanent improvement was, for the moment, dependent on that which was the most variable of all things—the value of agricultural produce. At the rents agreed upon when prices were high, permission to sell or assign would be of no benefit to him; and the same reason which prevented the tenant from assigning advantageously, would deprive the landlord of all chance of reimbursement—should he make the compensation—from an incoming tenant. If the tenant have a right to call for compensation under such circumstances, the

landlord should have the right of answering him in this way—"Well, then, let the land be fairly and properly valued—let it be valued, if you please, according to the terms of the General Valuation Act, and I will be willing, if you can find a tenant to take it at the valued rent, after allowing for the annual permanent increase of value arising from your improvements, to accept him as a substitute for you; but I stipulate that all arrears of rent shall be first paid, and that when prices rise, my rent shall rise with them." What could be fairer than such an arrangement? It would amount to nothing more than adopting the principle of corn-rents, as practised in Scotland, and sanctioned by the Tithe Composition and Church Temporalities Acts. It is impossible to read the General Valuation Act without at once seeing how easily the object which all have in view, the promotion of improvement with justice to both landlords and tenants, would be secured by it. He should not ask the House to entertain his Bill in any other stage than the first reading until the Government measure had come down from the other House. Then he should be afforded an opportunity of asking them to proceed with the second reading of the Bill, or of moving that certain Amendments, in conformity with the views which he advocated, should be introduced into the measure of the Government. He should, therefore, merely ask the House to assent to the introduction of the Bill, in order that it might be printed and circulated among hon. Members, and that they thus might be enabled to consider more maturely the provisions which it contained.

MR. POLLARD-URQUHART seconded the Motion. He said that, three or four years ago, the question involved in this Bill had been brought forward as a subject for popular agitation; but that was no longer the case, and whatever the Government might now consent to do would be a concession, not to agitation, but to reason. The Government had the opportunity of dealing with a vital and momentous question, and he trusted that it would not be thrown away upon them. Recent events in Ireland had shown that the popular party there were not opposed to the present Government. Many of them thought that the Government were prepared in a *bond fide* spirit to redress the grievances of which they complained, and they were inclined, therefore, to give them a fair trial. He sincerely hoped that the Go-

vernment would not disappoint the expectations of their friends. If there should be no higher motive, he trusted that the Government would bear in mind how valuable a source the cottier population of Ireland was whence to raise levies in the event of war, and that they would be induced to do justice to the small cultivators of the land in that country, who were now being driven from its shores in hundreds. He looked on Ireland as a country with great undeveloped resources, and, instead of considering the emigration going on as a reason for not improving the law, he thought that emigration to be deplored, and he attributed it to the operation of those bad laws. A sense of expediency, if not of justice, should be sufficient to induce the Government to deal in a liberal and comprehensive spirit with this question.

MR. GEORGE said, he must congratulate both the House and the country upon the altered tone which had pervaded the speech of the hon. and learned Gentleman the Member for Kilkenny (Mr. Serjeant Shee) that evening, as compared with that by which his introduction of topics connected with the relations of landlord and tenant had last Session been characterised. The hon. and learned Member had upon that occasion—as he had done in the speech which he has just delivered—stated that he had no intention of asking the House to assent to a single provision which could be said to have for its object the destruction of the rights of property in Ireland. He (Mr. George) had, however, been obliged last Session to ask the hon. and learned Gentleman whether the perpetuity of tenure clause, and the compulsory valuation clause—two clauses which the hon. and learned Member had introduced into his Bill, for they were not in Mr. Sharman Crawford's measure—would not, if they had passed into law, have proved to be in their operation utterly destructive of property in Ireland and its rights? Such in his (Mr. George's) opinion would have been their tendency. He, therefore, had listened on the present occasion with some doubt and hesitation to the assertion of the hon. and learned Gentleman, that this Bill which the hon. and learned Gentleman had just introduced did not interfere with property. He most sincerely hoped that existing interests were not sought to be disturbed by that measure, and that no retrospective legislation upon the subject of the relations between landlord and tenant was contemplated by

its supporters. The hon. and learned Member had presented to the House a sad picture of the amount of crime and destitution which he said prevailed in Ireland, and which he had attributed to the absence of legislation of a character similar to that which he has just called upon the House to sanction. He (Mr. George) was, however, happy to be enabled to state that the condition of Ireland had of late become greatly altered for the better. Population and labour now bore a more just proportion to one another in that country than had hitherto been the case. The employer had to seek for the labourer, not the labourer for the employer, and the rate of wages had been considerably increased. It was to these circumstances, and to the more abundant harvests, that, in his opinion, the improvement which now manifested itself in every quarter of the island was to be attributed. He should like to see this better state of things allowed to develop itself gradually, and deemed it unwise, by too much hot-bed legislation, to endeavour to push too far the increasing prosperity, to which it afforded him so much gratification to be enabled to bear evidence. In those cases in which compensation could be made to the tenant without prejudice to existing contracts he should have no objection to see it granted; but it was his opinion that in general, to leave the landlord and the tenants to regulate their own affairs was a mode of proceeding preferable to the enactment of any law upon the subject. At all events he trusted that no measure affecting different interests would be passed so far as Ireland was concerned, which hon. Members would not be prepared to advocate for England.

COLONEL GREVILLE said, he could assure the hon. Member who had just sat down that he should certainly not have given his support to the measure of his hon. and learned Friend the Member for Kilkenny had he been of opinion that it was calculated to operate injuriously upon the rights of property; and he should be ready to give his favourable consideration to any alterations in that measure which hon. Members might deem it desirable to introduce.

SIR JOHN YOUNG said, that the hon. and learned Gentleman who had brought the subject under their consideration had announced his intention not to proceed with his measure until the decision of the House of Lords should be taken on a Bill upon the same subject which had been submitted

to them; and under these circumstances there could be no objection on the part of the Government to the Motion that the hon. and learned Gentleman should be allowed to lay his Bill on the table. But the Government, in assenting to that Motion, did not pledge themselves in any way to give any facilities or any support to the measure at any future time. Until the House of Lords should have decided on the Bill under their consideration, and which had received the approval of the Government, it would be a manifest waste of time to continue any further debate on the question.

MR. NAPIER said, he thought the course proposed by the hon. and learned Gentleman very inconvenient, of laying a Bill on the table of that House, which was not to be proceeded with until a Committee of the House of Lords should come to a decision with respect to another Bill. He considered that it would have been better to have waited until the other Bill, with such modifications as the House of Lords might think necessary, should come down from that House. Besides that objection, the amendments of the hon. and learned Gentleman were negatived in a Select Committee of the House of Commons last year. He was very anxious that this question should be settled this year, for the uncertainty which prevailed tended very much to the depreciation of property in Ireland, and he knew of instances in which sales had been prevented in consequence of that uncertainty. In the conduct of the measures of which he had charge during the last Session, he was bound to say, that those who more particularly represented the interests of the tenantry had offered no obstruction of which he had reason to complain, but had assisted him very fairly. The House would recollect that he proposed three Bills. There was also a fourth Bill—the Land Improvement Bill—to enable a tenant for life, and persons having a limited interest, to do with private money what they would have been able to do out of a public loan. The three Bills to which he referred, were the Landlord and Tenant Consolidation Bill, the Leasing Powers Bill, and the Tenant Compensation Bill. The latter Bill contained a clause relating to draining, subsoiling, and other matters which were omitted from the Bill which passed the House. The Select Committee were of opinion, that all that kind of improvement should be done under express contract, and he felt bound to surrender



contributed, among other of his great qualities, to make those on that side of the House look up to him as their political leader, not only with pride but with affection. The noble Earl in no way fettered his judgment, but urged him to give his earnest attention to this important subject of national education, and to see whether it might not be possible to devise some modifications by which the objections of the Protestants of Ireland might be done away with, without creating ill-feeling among the Roman Catholics. He (the Earl of Eglinton) thought his noble Friend would admit that he had spared neither time nor trouble in doing so. If he came to an erroneous conclusion, which he was far from admitting, it was an error of judgment and from no want of sufficient attention or consideration. After that investigation he told his noble Friend, while still at the head of the Government, that although he saw much to lament and much to disapprove of in the system, he still thought that, under all the peculiar circumstances of Ireland, it was, perhaps, the one best suited to the wants of the country; that he could make no suggestion which would, in his opinion, satisfy the Protestants, without having the effect of driving away the Roman Catholics from the schools; and that he could not be a party to any proceeding which might result in throwing on the world about 400,000 children, without even the means of secular education.

With the permission of their Lordships he would briefly trace the progress of the religious part of the system;—for, with regard to the excellence of the secular education given in these schools, there had never been the least difference of opinion. He felt it necessary briefly to call their Lordships' attention to the history of this system, which might not be familiar to all of them. In 1831, when the Government of the day came to the determination of withdrawing the grant from the Kildare Place Society, and effecting an important change in the system of education, which theretofore had existed in Ireland, it was well known that his noble Friend (the Earl of Derby) then Mr. Stanley, was the chief Secretary for Ireland, and that the letter which he addressed to the Duke of Leinster, the intended President of the Board of Education, had always been considered as the charter of the system. In the first draught of that letter, after adverting to the consideration which had induced the Government to effect this change, and stating

why the Government considered it necessary to take the educational funds from the Kildare Place Society, in whose hands it had previously been, his noble Friend adverted to the report of the Committee of 1828, in which was given as the basis of the scheme projected by the Government "combined literary and separate religious education;" but when that draught was submitted by Mr. Stanley to the intended Commissioners (considered respectively as fair representatives of each communion) it appeared that some of them, before they accepted the office, objected to administer a system which was designed to exclude all religious teaching from the combined education; that, accordingly, after mature deliberation between Mr. Stanley and the several members of the Board as to the possibility of introducing into the united education such scriptural teaching as might involve no matter of controversy among Christians, the first draught of the letter was altered, with the full consent of the Government and the Commissioners, by describing the system to be established as one for "combined moral and literary, and separate religious instruction," and by adding to that description the following proviso:—

"It is not designed to exclude from the list of books for the combined instruction such portions of sacred history, or of religious or moral teaching, as may be approved by the Board."

The Commissioners then consisted of the Duke of Leinster, the Archbishop of Dublin, the late Roman Catholic Archbishop Murray, Mr. Blake, Mr. Sadleir, Mr. Carlisle, and Mr. Holmes. As regarded religion, the Board consisted of three Episcopalians, two Roman Catholics, a Presbyterian, and a Unitarian. These gentlemen—entirely agreeing with the views of his noble Friend and the Government, that it was desirable that, if possible, some combined religious instruction should be given—agreed upon recommending some works, which they hoped would give sound religious education, without raising the prejudices of the Roman Catholics, or incurring the dread of the Protestants. These books at first consisted of selections from the Holy Scriptures, and a book of Sacred Poetry, to which was afterwards added a volume on the Evidences of Christianity. These books were, as was necessary, unanimously approved of by the Board, and formed part of the system as it was first established. No patron, however, was to be allowed to place any other book in his school,

to the hon. and learned Member for Kilkenney (Mr. Serjeant Shee) on the spirit and temper he had evinced in bringing this question under the consideration of the House, and in attempting to do that which had been recommended by the Committee which sat on this subject. The right hon. and learned Gentleman (Mr. Napier) had also boldly, courageously, and ably entered upon the consideration of the question—a circumstance which would always greatly redound to his credit. It appeared that this Bill was not to be proceeded with further until the other measure came down from the House of Lords. He thought that a very good arrangement, but he would beg to press on the Government the importance of not allowing this subject to rest or be delayed in the other House. This was a question of vital importance to Ireland. He believed a great deal of the emigration which had gone on there was caused by the unsatisfactory state of the law of landlord and tenant. But, putting aside the two questions of the relations of landlord and tenant and emigration, which were but cause and effect, their real, social, and practical business in that House, with respect to Ireland, was the applying themselves to the final settlement of this vexed question.

*Leave given.*

Bill ordered to be brought in by Mr. Serjeant Shee and Mr. Pollard-Urquhart.

The House adjourned at half after Eleven o'clock.

## HOUSE OF LORDS,

*Friday, February 17, 1854.*

MINUTES.] *Took the Oaths.*—The Lord Harris. PUBLIC BILLS.—1<sup>st</sup> Law of Landlord and Tenant (Ireland); Powers of Leasing (Ireland); Tenants' Improvements Compensation (Ireland).

### NATIONAL EDUCATION (IRELAND).

THE EARL OF EGLINTON, in rising to move for the appointment of a Select Committee to inquire into the practical working of the system of National Education in Ireland, said, that he was fully aware of the importance of the subject which he had undertaken to bring under their Lordships' attention, and, indeed, he could not but think that it would have been brought before the House with greater propriety, and certainly with greater ability, by some of the noble Lords personally connected with Ireland. He trusted, however, that the position which

*Mr. Roche*

he had lately had the honour to hold in that country, and the interest which he must naturally feel in everything connected with its welfare, would be held to justify him in coming forward on this occasion. It appeared to him that an inquiry into the working of the national system of education in Ireland, if it had not been necessary before, had been rendered absolutely indispensable by the circumstances which had occurred last year, and which had resulted in the retirement from the Board of Commissioners not only of two eminent members of the Irish bench—men distinguished not more by their legal ability than by their judgment and moderation—but also by the secession of a most reverend Prelate, the Archbishop of Dublin, who was one of the original Commissioners, and who had been for the twenty years during which the system had existed one of its firm, conscientious, and energetic supporters. It appeared to him (the Earl of Eglinton) that an inquiry was also rendered necessary by the innovations which had taken place in the system of instruction, in consequence of the construction—in his opinion an erroneous one—which had been placed upon one of the principal rules of the institution. When a noble Earl behind him (the Earl of Clancarty) brought this subject before their Lordships last year, he (the Earl of Eglinton) said that, although he so far differed from him as to give the system his qualified approval, yet that it was his opinion that an inquiry into its working was necessary, and he urged his noble Friend to move for a Committee on the subject. He need hardly say that the opinion he then expressed had been greatly strengthened by the circumstances to which he had alluded; and he believed that that opinion would be shared in by most of their Lordships. He (the Earl of Eglinton) begged to assure their Lordships that he approached this subject in no spirit of hostility; nay, he believed that the qualified support which he had given to the system had disappointed many of those with whom he was politically allied, and whose high character, piety, and patriotism would render him most anxious to please them if possible. When his noble Friend who was at the head of the late Administration (the Earl of Derby) entrusted him with the government of Ireland, he imposed no conditions upon him; he treated him with that generous confidence which his noble Friend always placed in those he trusted, and which

contributed, among other of his great qualities, to make those on that side of the House look up to him as their political leader, not only with pride but with affection. The noble Earl in no way fettered his judgment, but urged him to give his earnest attention to this important subject of national education, and to see whether it might not be possible to devise some modifications by which the objections of the Protestants of Ireland might be done away with, without creating ill-feeling among the Roman Catholics. He (the Earl of Eglinton) thought his noble Friend would admit that he had spared neither time nor trouble in doing so. If he came to an erroneous conclusion, which he was far from admitting, it was an error of judgment and from no want of sufficient attention or consideration. After that investigation he told his noble Friend, while still at the head of the Government, that although he saw much to lament and much to disapprove of in the system, he still thought that, under all the peculiar circumstances of Ireland, it was, perhaps, the one best suited to the wants of the country; that he could make no suggestion which would, in his opinion, satisfy the Protestants, without having the effect of driving away the Roman Catholics from the schools; and that he could not be a party to any proceeding which might result in throwing on the world about 400,000 children, without even the means of secular education.

With the permission of their Lordships he would briefly trace the progress of the religious part of the system;—for, with regard to the excellence of the secular education given in these schools, there had never been the least difference of opinion. He felt it necessary briefly to call their Lordships' attention to the history of this system, which might not be familiar to all of them. In 1831, when the Government of the day came to the determination of withdrawing the grant from the Kildare Place Society, and effecting an important change in the system of education, which theretofore had existed in Ireland, it was well known that his noble Friend (the Earl of Derby) then Mr. Stanley, was the chief Secretary for Ireland, and that the letter which he addressed to the Duke of Leinster, the intended President of the Board of Education, had always been considered as the charter of the system. In the first draught of that letter, after adverting to the consideration which had induced the Government to effect this change, and after

stating why the Government considered it necessary to take the educational funds from the Kildare Place Society, in whose hands it had previously been, his noble Friend adverted to the report of the Committee of 1828, in which was given as the basis of the scheme projected by the Government "combined literary and separate religious education;" but when that draught was submitted by Mr. Stanley to the intended Commissioners (considered respectively as fair representatives of each communion) it appeared that some of them, before they accepted the office, objected to administer a system which was designed to exclude all religious teaching from the combined education; that, accordingly, after mature deliberation between Mr. Stanley and the several members of the Board as to the possibility of introducing into the united education such scriptural teaching as might involve no matter of controversy among Christians, the first draught of the letter was altered, with the full consent of the Government and the Commissioners, by describing the system to be established as one for "combined moral and literary, and separate religious instruction," and by adding to that description the following proviso:—

"It is not designed to exclude from the list of books for the combined instruction such portions of sacred history, or of religious or moral teaching, as may be approved by the Board."

The Commissioners then consisted of the Duke of Leinster, the Archbishop of Dublin, the late Roman Catholic Archbishop Murray, Mr. Blake, Mr. Sadleir, Mr. Carlisle, and Mr. Holmes. As regarded religion, the Board consisted of three Episcopalians, two Roman Catholics, a Presbyterian, and a Unitarian. These gentlemen—entirely agreeing with the views of his noble Friend and the Government, that it was desirable that, if possible, some combined religious instruction should be given—agreed upon recommending some works, which they hoped would give sound religious education, without raising the prejudices of the Roman Catholics, or incurring the dread of the Protestants. These books at first consisted of selections from the Holy Scriptures, and a book of Sacred Poetry, to which was afterwards added a volume on the Evidences of Christianity. These books were, as was necessary, unanimously approved of by the Board, and formed part of the system as it was first established. No patron, however, was obliged to make use of them in his school,

unless he thought fit; nor was the reading of them forced upon any child whose parents objected. He might also be excused for stating to their Lordships that these books were not only carefully considered by the Commissioners, and entirely and cordially approved of by the excellent and pious Archbishop Murray, whose death was a national loss, and by Mr. Blake, the other Roman Catholic Commissioner, but they were recommended to the patrons of schools in almost every report of the Board. In the first Report, in 1834, the Commissioners said:—

“Such extracts from the Scriptures as are prepared under the sanction of the Board may be used, and are most earnestly recommended by the Board to be used, during the hours allotted to ordinary school business.”

In the second Report, in 1835, they stated, in answer to a question from the Lord Lieutenant:—

“We have published a volume of Extracts from the Scriptures, and a volume of Sacred Poetry; and these books have met with general approbation.”

Then in the third Report there was a letter from Mr. Kelly, the secretary of the Board, to Sir H. Hardinge, in which it was stated—

“It was agreed that the extracts from the Scriptures, if approved by the entire Board, might be read in the general course of education by Protestants and Roman Catholics together.”

Again, in their fourth Report, issued in 1837, the Commissioners said:—

“It has never been considered by us that we should violate principle if we allowed religious instruction to be given during the ordinary school hours, provided that such an arrangement were made as that children whose parents did not approve it should not be required to attend or be present at it.”

In 1839 the Board issued the following rule:

—“The Commissioners do not insist on the Scripture Lessons, Lessons on the Truth of Christianity, or Book of Sacred Poetry being read in any of the national schools; nor do they allow them to be read during the time of secular or literary instruction in any school attended by children whose parents or guardians object to their being so read. In such cases the Commissioners prohibit the use of them, except at the time of religious instruction, when the persons giving it may use these books or not, as they think proper.”

Although, no doubt, a large portion of the members of the Church of Ireland, and many persons belonging to other denominations of Protestants did—most unfortunately, he thought—refuse their adhesion to the system, and by so doing gave a most undue preponderance to the Roman

*The Earl of Eglinton*

Catholics, not only in the management, but in the relative proportion of the number of children attending the schools, still he thought it could not be denied that the fact that some combined religious education had been introduced into the system caused the adhesion of a great number of those who would otherwise have disapproved of it. No doubt that rule, if read literally, might receive what he must term the ridiculous construction, that if the parents of any one child in a school object to a book, that book is to be excluded from the school altogether. But this construction was never intended by the framers of the rule, nor was such a construction put upon it from 1839 down to last year; indeed Reports from 1839 gave the same interpretation of the rules as the previous Reports. In 1843, in 1844, and in 1847 the same recommendation of these books is given, and it was even repeated in a list of the books sanctioned by the Board, which was, I believe, published by their authority in September, 1853. However, in the autumn of 1852, the Archbishop of Dublin, happening to inspect the model school at Clonmel, found to his surprise that these religious books were not used in that school, and that they had never been used there since it was established. His Grace also found on inquiry that the same custom prevailed in several other model schools, and that the exclusion of these books had never received the distinct and formal sanction of the Board of Commissioners. He immediately complained to the Board of this innovation, arguing, he (the Earl of Eglinton) thought, very justly, that although the adoption of these books might be optional with the patrons of other schools, the Commissioners were bound to have them read in the model schools of which they were the *ex officio* patrons, because, in fact, the very essence of a model school was, that the system should be there carried out in all its integrity. Some delay occurred with reference to the question; but at last it became necessary to come to some conclusion on the subject, in consequence of the foundation of a new model school at Gormanstown. There was a motion proposed by Mr. Murphy for the purpose of expunging from the list of books the Lessons on the Truths of Christianity. There was another motion, proposed by Baron Greene, authorising the reading of these books either previous to, or immediately after, the combined secular education; and the result was that Mr.



Murphy's resolution for expunging from the list of books the Lessons upon the Truths of Christianity was carried, and Baron Greene's motion was also carried; and in addition to it the construction was put upon the eighth rule, giving a veto upon the use of any of these books in the school to any parent or guardian who should object to it. While those proceedings were going on at the Board, the Roman Catholic Archbishop, Dr. Cullen, in a speech which he made at the feast of some saint, whose name he (the Earl of Eglinton) could not really recollect, speaking of the Scripture Lessons, said that this little work "appeared to be compiled for the purpose of giving an united religious instruction to Catholic and non-Catholic children in the same class. We reprobate such a project." The result was that the Scripture Lessons, as well as the Sacred Poetry, were vetoed according to the new construction put upon the rule. The Board having agreed to expunge the Lessons on the Truths of Christianity, and having enabled the priests to veto the other two religious books by the construction they put on the eighth rule, it might be considered that all combined religious education was abolished from the national system. Those proceedings of the Board were naturally followed by the retirement of the three Commissioners to whom he had previously alluded—namely, the Archbishop of Dublin, the right hon. Mr. Blackburne, and Baron Greene. They could not approve of the innovation that had been adopted, and could not concur in the construction of the rule. The Archbishop argued, with very great force, that, though no doubt it was in the power of the Commissioners to change or amend any historical, or geographical, or scientific book in which there might be errors, he contended that they were not competent, and that it was a breach of trust to the public, to remove from the list of books all those religious books which constituted an important principle in the system. He (the Earl of Eglinton) trusted that he had fulfilled his word, by explaining as shortly as he possibly could the circumstances that had occurred; and he thought that if ever there was a case that demanded Parliamentary inquiry, this was the case. He was not now arguing whether the combined religious education should be preserved; he was not arguing whether the Commissioners were right or wrong; he was not arguing whether the system should be changed or not; but he would say it was

due to the Commissioners, whose retirement had been enforced, and to the large and influential and most respectable body who heretofore had held aloof from the system, and who were now more than ever justified in doing so, and it was due to the people of Ireland, who were interested in this important question, that an inquiry should take place. He would only further say, that it was ridiculous to declare that the parent of one child should have the power of driving from a school a book of which perhaps all the other children's parents might approve, and he trusted that such a rule would not be permitted much longer to stultify the statutes of the Board. He begged, in conclusion, to move—

"That a Select Committee be appointed to inquire into the practical working of the system of National Education in Ireland."

THE EARL OF ABERDEEN: I confess, my Lords, that when the noble Earl gave notice of his Motion, my first impulse was to resist it, because I felt that this national system of education, having been of such inestimable benefit to Ireland, any step that by possibility would indicate a doubt of its great utility and advantage would be attended with very unfortunate consequences. But, my Lords, on reflection, and believing that this system would lose nothing by a minute inquiry, and finding that the noble Earl has disclaimed any intention of any hostile feeling towards the system, but the reverse, I now feel that it would be unwise to oppose a Motion made in such a spirit, and from which I hope and trust beneficial consequences may ensue. I accordingly informed the noble Earl last week that I would make no opposition to his Motion; and that being the case, I think I am relieved from entering into any disputation at present respecting the working of that system which is to be submitted to the consideration of a Committee. I shall not, therefore, attempt to follow the noble Earl into all the discussions of the Board relating to the modification of the rules. We had a good deal of that last year, and these are subjects which may be properly submitted to the Committee for which the noble Earl has moved. But there was one part of the subject which, I own, I regarded with very great anxiety, and that was, the possible effect that might arise from the retirement of the most rev. Prelate whose support had been so long advantageous to the system—nay, had, in fact, been almost its main-

stay from the beginning. It was with great anxiety I looked to the possible effect of that decision on the part of the most rev. Prelate; for though, fortunately, the Government had been able to supply his place, and the places of the other Commissioners who retired at the same time, in a manner which, I hope, will retain and secure the confidence of the Irish people, still the retirement of so eminent a man was not to be contemplated without apprehension. But I must say—which I do with the most heartfelt satisfaction—that his retirement has not been attended with the slightest detriment to the progress of this system, which I am so anxious to uphold. In proof of this, it is only necessary to compare the number of schools and scholars last year with the number of the year preceding. The return of the state of the schools for the last year is this:—On the 31st December, 1852, the number of schools amounted to 4,963; on the 31st December, 1853, the number amounted to 5,075; being an increase of 112 in the course of the last year. The number of scholars in 1852 amounted to 544,604, and in 1853 they amounted to 565,760. Further than this, the Resident Commissioner of the Board says that during a period of fourteen years he has never known the schools to be in such a sound and flourishing condition, or the system so thoroughly rooted in the affections of the great bulk of the community. It is also worth observing, that in the poor-law unions, which have placed their schools under the superintendence of the Board, the number within the last year has also increased. Out of the 163 poor-law unions in Ireland, 141 have placed their schools under the Board; and although one of the poor-law schools was withdrawn in the course of the last year, it was from causes quite unconnected with the retirement of the Archbishop of Dublin. Under these circumstances, I am justified in saying that the system has not sustained the slightest detriment in consequence of an event which, at the time, I regarded as a great calamity. As it is my intention to make no opposition to the Motion of the noble Earl, I repeat, I have no intention of entering into the doubtful parts of the question to which he has referred. I can only say, there has been no change whatever in the principles on which the system has been conducted, and that the event which influenced the decision of the Archbishop—namely, the omission of the two works in the model school in Clonmel—

*The Earl of Aberdeen*

took place, not under the crusade to which the noble Earl has referred, but during the life of Archbishop Murray, and therefore it was not accompanied by any of those motives to which the noble Earl has alluded. [The Earl of EGLINTON: I did not say that.] Therefore it was not a novelty, and it was done during Archbishop Murray's life. I do say that this system, connected as it is with the great improvement and prosperous condition of Ireland generally at this moment, gives me great reason to hope that, instead of being at all affected by what has taken place, it will go on increasing in usefulness. The condition of the country is such as not only to increase the number attending the schools, but also to enable them to remain longer at the schools. The children can, therefore, remain at the schools to a more advanced age than, in former years, they were in the habit of doing, thereby showing an increased power on the part of the great body of the people to leave their children longer in the acquirement of education than they had been previously able to do. As I make no opposition to the Motion of the noble Earl, it would be really a waste of your Lordships' time were I to enter into any contest on the points urged by the noble Earl, and I feel it unnecessary to follow him on the present occasion through the statement he has made.

THE BISHOP OF DOWN AND CONNOR said, that, coming as he did from a province where more than one-third of all the schools were to be found, and presiding over a diocese where 50,000 children were being educated under the national system of united education alone, he trusted he might take the liberty of addressing their Lordships on the subject under consideration. In doing so, he would studiously avoid entering into details, since the Government had determined on granting the Committee moved for. He would not trouble their Lordships with following the noble Lord in the early details connected with the introduction of the system, but would take up his argument where he stated that the most rev. Prelate (the Archbishop of Dublin), having visited an agricultural school in the heart of Tipperary, found that all the books sanctioned by the Board were not to be found in that school; and argued that as patrons of schools used or declined such books as they approved of or disapproved of, so the Board, being patrons of their own schools, and approving, of course, of all their own

publications, were bound to use all the books published by them. But this is a fallacy. Local patrons do not regulate their choice of books by their approval or disapproval, but by the consideration of what books they think suited to the circumstances of the school or locality. It is quite consistent for a local patron to approve of all the books of the National Board, and yet only use some, and this is precisely the discretionary power the Clonmel Model School exercised, and that with the tacit approbation of the Board, as they thought necessary. Was it to be required that the scholars in an agricultural school, situated in the heart of Tipperary, should have conveyed to them precisely the same knowledge as should be conveyed to the scholars in a school in the centre of a great mercantile community? The managers of the Clonmel school selected certain books which they thought fit for use, and suited to the circumstances of the locality, and so far from the principle being binding of using exactly similar books in all the schools, one of the most distinguished of the seceding members, Mr. Blackburne himself, proposed a rule, when a member of the Board, that the Board themselves should specially consider at the opening of each model school what books they should use or abstain from using; so that one of the very seceders from the Board had sanctioned the principle of which the noble Earl complained. Another change was proposed by another seceder from the Board—and it was very important for their Lordships to observe that all the changes and alterations which were now complained of were in the first instance proposed by the seceders themselves. The change which Baron Greene proposed, though it might appear trifling, was most significant. It changed the position of certain books of a religious character, so that books which could only be used for the system of religious instruction could be used for combined instruction, with this prohibition—that any child that objected need not be present, or the book instruction might be relegated to an hour previous to or after the usual hours of the school. To that rule, very naturally, their Lordships would see every one of the Roman Catholic members of the Board objected, because it was an innovation on the system. They felt that the safeguard for the Roman Catholic children was removed, and their faith might be tampered with; for while they would not

be tempted to read certain books of a religious character at times set apart for religious instruction, they might be tempted to read those books after school hours at times for combined instruction. Therefore, they naturally felt that they must remove from the list of books, published and sanctioned by the Board, certain books of a religious character. He did not wish to enter in detail into the interpretation given to the eighth rule, but it was very remarkable that the Roman Catholic Commissioner himself stated that if the eighth rule were allowed to remain in its integrity and force, he did not require that the books which he (the Bishop of Down and Connor) had mentioned should be removed. That Commissioner felt that in that rule there was a safeguard; but the moment the rule was changed, he felt the books should be removed; and why did he feel the books should be removed? Because the books must necessarily, he thought, have a proselytising effect. Any book of evidences of the truth of Christianity which permitted children to search and examine, to “prove all things,” that they may “hold fast that which is true,” cuts at the very teaching and dogmas of the Church of Rome, which denies the right of private judgment unaided by the Church’s interpretation; and nothing was more clearly enunciated than that very principle in that admirable charter of the society which formed its basis—the letter of the noble Earl when Mr. Stanley. It was said that Archbishop Murray had approved of the book; but if he approved of it, did it necessarily follow that every future bishop of the see should approve of it? Was it to be said that because one of his right rev. Brethren thought fit to approve of a certain book for examination in his diocese, that that was to be the book for examination in the diocese during every succeeding generation? It had been currently reported in Ireland that these books having been translated into Italian, had been approved of by the Pope; and the petition presented to your Lordships this evening by a noble Earl on the cross-benches sets this forth also. Now he (the Bishop of Down and Connor) had thought it to be his duty to take the best course he could to find out whether the Pope, as head of the Church of Rome, directly or indirectly gave his sanction or approbation to that book. He wrote to the right rev. Dr. Denvir, of Belfast, who presided over the Roman Catholic community in the diocese

of Down and Connor, and asked him whether he had any knowledge that it had been conveyed to the bench of Roman Catholic bishops, individually or collectively, that the Pope had given his assent. Their Lordships would recollect that a meeting of a synodical character was held in Ireland by the Roman Catholic Prelates during the time, he believed, that the noble Earl was in office. It was to be presumed that at that time the question of education formed a prominent portion of the discussion. Was it likely that the book of Christian Evidence and of the Truths of Christianity would have been approved by the Pope without the bishops there present knowing something of it? The following was the letter which he had received from the right rev. Dr. Denvir:—

“My Lord—In reply to your Lordship’s note, received yesterday, I beg to say that I have never heard that the book entitled *Evidences of Christianity, or Lessons on the Truths of Christianity*, lately withdrawn from the list of books to be generally used in the national schools, had been sanctioned or approved of by the Pope at any time, nor has any intimation of such consent been communicated to me.”

That was quite conclusive evidence that Archbishop Murray had sanctioned the book in his individual capacity and as a Commissioner on the Board, and not as with the sanction of his Church. The next charge brought against the Board was that it had altered certain resolutions; but was it possible to suppose that a Board could administer the affairs of a great educational establishment with usefulness and effect, if it were obliged to consider every rule laid down by their predecessors as binding and obligatory upon them? Would it be possible to get men of independent mind, character, and station to conduct the affairs of this great institution if they were to sit at the Board with their hands tied and their mouths closed while the oracles of their predecessors were being enunciated; if so, they would be transformed into mere automata to work a normal system? There must be a power vested in the Board to change and alter rules and regulations, and to withdraw or substitute books as circumstances might require. With regard to granting the Committee, it was not his province to object, and on that subject he should speak with very great caution, lest it should be thought that he objected to having the fullest and most minute and most searching inquiry instituted into the affairs of the Board; but he

*The Bishop of Down and Connor*

feared that this inquiry would have the effect of causing much religious excitement at a time when it should be their object to have peace in Ireland. If ever there was a time when it should be their desire to throw oil on the troubled waters, rather than to sow broadcast over that land what might be the seeds of future irritation, that time was the present. Comparatively speaking, agitation, both as to Church and State, slumbered in Ireland, but he need not remind their Lordships that the slumbers of agitation were easily aroused, and with difficulty allayed. Differing from the noble Earl as he did on many and great topics, he must say with gratitude, that while he administered affairs in Ireland his administration was characterised by the strictest impartiality. Whilst the noble Earl won by his administration the personal regard of some, he secured the respect of all. With, then, many of his prejudices and antecedents against the system of national education, and urged on, as undoubtedly he must have been, by the members of the Irish Government, who were pledged to its overthrow, he had the discrimination to discern and the candour to avow that he did not see his way to make any change; and how was it that the noble Earl now saw his way more clearly, sitting on the opposite side of the House, than he did when he sat on the Ministerial side of it? The following words were used by the noble Earl (the Earl of Derby), when he was at the head of the Government, in reference to the noble Earl, at the time Lord Lieutenant of Ireland. He said, “Neither I nor my noble Friend at the head of the Government in Ireland can see our way to the introduction of any change.” Let it not be supposed that he wished to offer any opposition to the granting of this Committee, selected, as he had no doubt it would be, with strict impartiality, thereby affording a guarantee to the country that it was not to be an arena for religious discussion, and he hoped that the witnesses who were produced would not fall into the common error of most Irish witnesses by considering themselves advocates. He could not sit down without removing an impression which his words might have caused in the minds of many of their Lordships. He wished to say a few words in explanation, lest it might be thought that he viewed with indifference or perfect unconcern the secessions that had taken place from the Board. He deeply regretted that the



Board had recently been deprived of two of its most eminent members, each representing his peculiar Church—one the Archbishop of Dublin, of whom he wished to speak, as he had ever felt, in terms of deep respect for his public character and terms of regard for his private virtues; the other, the late Archbishop Murray, and though he knew that prelate but by representation and in name, yet no fear of incurring obloquy should prevent him from speaking of him as he deserved, of one who had earned for himself in Ireland the character of a mild, consistent, and tolerant prelate of his Church. He trusted that those selected to supply their places would be guided with prudence, firmness, and discretion, that the great system of national education which had now, after a growth of twenty years and more, taken deep root in the country, and entwined itself round so many of its institutions, would be allowed to scatter still more extensively its good seed over a land yearning for repose.

**THE EARL OF CLANCARTY:** My Lords, I have no intention of entering into a controversy with the right rev. Prelate who has just sat down as to the correctness of the information he has laid before your Lordships, with respect to a permission said to have been given by the late Pope for the use of certain books in the schools of the National Board. As a lay Protestant Peer, I think it is quite beside my duty to inquire, or be guided by what the Pope of Rome may order or desire; and I cannot but express my surprise that the right rev. Prelate should have thought such an inquiry becoming in a Protestant Bishop. The right rev. Prelate, however, having satisfied himself by a correspondence with Bishop Denvir that the Pope never did give permission for the use of Scripture extracts and Christian evidence, and being of opinion that they might violate the dogma of the Church of Rome, that denies the right of private judgment on her doctrine, is against their being taught to the children of Roman Catholic parents. My object in rising to address your Lordships is to congratulate the House and the public that inquiry into the working of the national system of education in Ireland has at length been granted by the Government; and although the noble Earl opposite has manifestly conceded an inquiry with very great reluctance, I must say that the decision upon which he has acted contrasts advantageously with the conduct of his Government in the last Session, when a

Committee moved for in the other House was refused, and information applied for in this House, though promised with apparent readiness, was throughout the Session studiously withheld, and has not yet been produced. With respect, however, to the returns called for by the House on the 7th of March last, nearly a year ago, I have this day received from the Commissioners of Education a letter, apologising for the delay, and informing me that the returns are now completed, and will be forthwith furnished. It is certainly time they should be. But these are not the only returns which were promised last Session, and never furnished. On the 3rd of June your Lordships agreed to an Address for returns, showing the number of persons committed for crime in England, in Ireland, and in Scotland, in each of the years from 1842 to 1852, the number of such persons unable to read or write, and their centesimal proportion to the whole. The return called for was nearly similar to one that had been shortly before made to an Address of the House of Commons, a copy of which I hold in my hand, from which it appears that from 1841 to 1851, the number of committals for crime in Ireland had increased from 20,796 to 24,684; that the number of criminals in 1841, unable to read or write, was 7,155; and in 1851, was 12,018, being an increase of from 34.41 to 48.68, showing increase of crime with increase of ignorance; while during the same period in England crime had diminished as knowledge increased. The returns, I beg to remind the noble Earl, though promised by him to the House, have not yet been furnished, and as they would be of great importance in illustrating the comparative progress and effects of education in different parts of the United Kingdom, I trust they will not be longer withheld. With respect to the inquiry moved for by my noble Friend, I hope it is to be clearly understood as intended to include the consideration and recommendation of any changes or modifications in the plan of education, that from the past working of the system may appear desirable. Were it to be limited, as the noble Earl opposite appears to contemplate, to the divisions that have recently taken place among the Commissioners, and the grounds of the withdrawal of the Archbishop of Dublin, Baron Greene, and Mr. Blackburne, it would be of little interest or advantage to the public. The interests of the Irish people, and justice to the conscientious scruples that have hitherto for-

nearly a quarter of a century, withheld the Protestant clergy of Ireland from co-operating with the State in the work of education, requires that the system should be examined in its principle as well as in its administration; and that measures should be taken to free it from existing objections, and to adapt it to the circumstances of the country. Had the system been as successful as the noble Earl appears to imagine—had it operated advantageously for the lower classes, raising them to the condition of an educated people in intelligence, morality, and religion—no question could arise as to the propriety of its receiving at all hands the most cordial support, and the scruples of those who were invited to join, but did not join in promoting it, would not be matter of much public concern; but when you see, as, alas! those who visit Ireland must see, the wretched and debased condition of a very large proportion of the population—when your Lordships have, as you have already, been informed by the abstract I brought under your notice from the Census Commissioners, that in the county of Clare, where the national system is in full operation—that in the course of the decennial period, from 1841 to 1851, ignorance had decreased only in the ratio of one per cent of the population, and that in the civic districts ignorance had actually increased to the extent of ten per cent; and when your Lordships recollect, as well you may from all that passed in this House on the subject of the Clare election, and the fatal conflict at Six-mile Bridge, that such was the degradation of the population of that county, that the electors did not dare, or where they did dare, it was at the risk of their lives, to exercise the elective franchise, otherwise than in subserviency to the dictation of the Roman Catholic priests; that the want of education is, in fact, a bar to the enjoyment of constitutional liberty in Ireland—it is undeniable by any, whose minds are not blinded by prejudice, or warped by party or sectarian interests, that the existing system of education has not operated for the interests of the Irish population. And when, on the other hand, your Lordships consider how reasonable, how respectable, how becoming the character and position of ministers of the reformed faith, are the scruples that have withheld the great body of the clergy of the Established Church from connecting their schools with the National Board—that, in fact, they could not conform to

*The Earl of Clancarty*

its rules, restricting the use of the sacred volume, without, as it appears to most people, violating the obligations that they accepted at ordination, when they solemnly declared their persuasion of the sufficiency of the Holy Scriptures for Christian doctrine, and their determination “out of the said Scriptures to instruct the people committed to their charge;” and also that with God’s help they would “be ready, with all faithful diligence, to banish and drive away all erroneous and strange doctrines contrary to God’s word,” and that they, therefore, require in their own schools full liberty to give instruction out of the sacred volume—I think the course they have taken was not only justified but praiseworthy, and the more so as it has been consistently maintained at the sacrifice of their private interests, and often also of their prospects of promotion in the Church. It will, I hope, at length be duly appreciated, and the system of public instruction supported by the State be so altered as to admit of their promoting its success. I will not further anticipate what may result from the Committee, but, without going into Committee at all, I may refer your Lordships to papers upon the table of the House, which may give you some insight into the character and tendency of the system. Your Lordships will find by the rules first issued with respect to religious instruction, that no child was to receive any but what was approved of by the clergy of the Church to which he might belong. This, my Lords, it was thought, might appear too palpable a concession to ecclesiastical authority, and the rule was, accordingly, very soon altered to the recognition of parental authority in the religious education of the child. All who are acquainted with Ireland, with the miserable state of spiritual bondage of the Roman Catholic population, were well aware that the distinction between parental and ecclesiastical authority was a distinction without any real difference—that the parent would act exactly as the priest directed, and would not dare to act otherwise, and this must have been well known generally to the Board. That it was so, however, does not rest upon mere conjecture, for in the returns recently laid upon the table of the correspondence of the Education Commissioners relative to school books, there was a confidential communication from an inspector to the Commissioners, in which he stated that on the demand of the priest he had directed the master of the Dunmanway school to give

up the use of the Scripture Extracts, and as the master could not act upon a demand made in that way, he had recommended the priest to induce the parents of Roman Catholic children to object to them. Here, then, we find the Government Inspector, true to the spirit of his mission, bringing priestly dictation to bear upon the poor Roman Catholic parent, that the Roman Catholic children at the Dunmanway Model School, under the immediate patronage of the Commissioners, might be thenceforward deprived of even that small spark of the light and guidance of Scripture which the Board, under the more liberal influences of Archbishop Murray, had been willing to accord to them. The fact is that the system, though originally proposed by the noble Earl, late at the head of the Government, in the mistaken belief that a great concession might win over the priests to promote the education of the poor, was a practical establishment of the principles of the Church of Rome, and rejection of the principles of the reformed faith in the matter of national education. The conjuncture at which it was established was peculiarly favourable for it; established under the auspices of two Archbishops, one the late Dr. Murray, the other the present Archbishop of Dublin, it had high ecclesiastical sanction; both of them, most favourable to a system of mixed education, were willing to make the concessions that might be required. The Archbishop of Dublin, in thus differing from the rest of the Irish Prelates, was willing to give up the Bible as a book for united instruction, and Archbishop Murray was, on that condition, willing that a select portion of the Bible might be read in common. The character that the system has since assumed, and the gradual exclusion even of the Scripture extracts, are well known to your Lordships. It has become essentially a Romish system, as such the noble Earl opposite regards it—and has this evening reiterated the assertion that it is—the greatest blessing ever conferred upon Ireland—I wish I could say it had proved to be so; that after a quarter of a century's uninterrupted operation, it had in any degree developed the intelligence of the country, and raised the social, moral, and religious condition of my poor countrymen; but the reverse is the fact, and I must draw your Lordships' attention to a very curious coincidence with respect to it. Your Lordships will find in the appendix to the Commissioners' last re-

port, that the number of the vested schools that have been leased to trustees—i. e. to persons who are bound to carry on a system of education upon the principles of the Board—is 666, exactly the number of “the beast.” Without attaching importance to the coincidence, it does, nevertheless, suggest to my mind that the system so much eulogised, but, I believe, really so little understood, by the noble Earl at the head of the Government, does in its general character bear distinctly the “mark of the beast.” Is it any wonder, then, my Lords, seeing how Ireland has been treated, that a considerable portion of the English people should be anxious to extend to her population the blessings of the Reformation? I rejoice at a movement the most auspicious for the future welfare and happiness of that country, and which is, I trust, steadily progressing with the most cordial co-operation in general on the part of the clergy of the Established Church. It is not, I conceive, the duty of the Government to aid or engage in that movement, or to shape the national system of education, with a view to its advancement, but neither should the system be turned to account for its obstruction. As the ministers of a Protestant Sovereign, the Government should not be unmindful that the principle of Protestantism is the enlightenment of mankind, the rejection of usurped ecclesiastical authority, the maintenance of religious liberty, the extension of religious toleration, and the encouragement of truth. Well satisfied am I that the noble Earl, who is to conduct the inquiry, will enter upon that duty, animated with a singleness of purpose to promote the best interests of the people over whom he was lately placed; and in calling upon him to perform that duty, the noble Earl late at the head of the Government has, I think, taken the step most likely to inspire general confidence, and give satisfaction to the people of Ireland. In conclusion, I would only add my request to the noble Earl opposite, that as the late census of Ireland includes the most ample materials for statistics of education, that branch of the census may as promptly as possible be laid before the House. I am surprised that it has so long been withheld, and that in lieu thereof, we are only furnished with agricultural returns of swine, poultry, mules, and donkeys, at a time when it would be so much more important to be informed upon that which must be the basis of all improvement

in the country, namely, the education of the people.

THE EARL OF DESART would not follow the right rev. Prelate (the Bishop of Down) into those matters of detail, respecting the retirement of the Commissioners, and the motives for the withdrawal of the books, which were more properly within the attributes of the Committee. He would only make one observation on the spirit of the right rev. Prelate, in respect of the effect of the Committee. He (the Earl of Desart) thought, instead of causing any excitement, it would have the effect of satisfying the minds of a great number of people in Ireland, and he would add, if it tended to produce any amendment in the system of national education in that country, it would confer a permanent benefit. He (the Earl of Desart) was anxious to correct an erroneous impression which prevailed in England on the subject of education in Ireland. The non-participation in the national system by the Protestant clergy of that country was attributed in this country to intolerance; but that notion was entirely erroneous. The motives of the founders of the system he (the Earl of Desart) believed to be the same as that which would actuate every Member of that House, namely, to give a good popular, moral, intellectual, and religious education to the people of Ireland; to combine and unite all classes into a wholesome unanimity; to abate, and finally do away with, those differences and religious animosities which prevailed among the various classes of the people of Ireland; and to lead the people of that country to consider themselves as fellow-countrymen of the people of this, and fellow-subjects of the Queen, rather than, as at present, as the professors of antagonistic religions. In spite of their good intention, however, the system of national education in Ireland had, on every one of those points, been, he would not say a perfect failure, but had not by any means worked as advantageously as it might have worked. He knew he might be told that this was the fault of the clergy of the Established Church and of the Protestant landlords of Ireland; and in some respects such, perhaps, was the case, though the reproach, certainly, did not apply to him. But then, on the other hand, it was undeniable that the system contained a variety of things which the clergy of the Established Church deemed irreconcilable with their con-

sciences; and though many persons might not think these scruples were wise, no one could say they were not worthy of all respect. The consequence was, that in withholding their hands from the system, it necessarily fell into the power of another party—a party who, he (the Earl of Desart) firmly believed, were not anxious to promote the welfare of the people of Ireland, but only to establish the predominance in that country of the Roman Catholic Church. The management of the schools fell for the most part into the hands of the Ultramontane party in that Church: and the consequence was, that in place of education there was ignorance, and in place of union there was a wider difference of opinion than ever between those of different creeds in Ireland. As an instance of this difference he would merely state to the House that in one small town alone—Mullingar—there were three schools, one Ultramontane Roman Catholic, another moderate Roman Catholic, and a third of the Established religion, receiving grants from the Board. It would have been well if a Committee had been appointed long before the present time. He was glad, however, that the recent innovations were of a character to call attention to the system; and he hoped that it would, therefore, be amended by the Legislature. He believed that these innovations were the result of a premeditated assault, commencing as early as 1826, when the Commission made its first Report, which was published in 1828. A meeting took place in 1826 at the house of the late right rev. Dr. Murray, when a unanimous resolution was come to, that no books should be introduced into any school where Roman Catholics were instructed without the consent of the Catholic bishop of the district. In 1835 there was also read an encyclical letter of Pope Gregory XVI., in which the Roman Catholic priests of Ireland were enjoined to drive their flocks from the noxious into the wholesome pastures. He believed that the Roman Catholic clergy of Ireland had been trying to get the control of the books used in the national schools into their own hands, though the Reports of the Commissioners laid great stress on the control of the books being in the hands of the legitimate guardians of education in Ireland—the clergy of the Established Church. He (the Earl of Desart) did not think it was possible to overstate the benefits of a good education



for the people of Ireland, for he could say of his own knowledge that they were a loyal and affectionate race. But they were tyrannised over by their priests, in whom they had such absolute faith that they believed they could turn a person inside out, or change black into white, even in the most civilised parts of the country. The light, however, was now beginning to penetrate through the darkness with which the Roman Catholic clergy had surrounded the Irish people; and he saw signs of alarm among those tyrants, in their anxiety to draw a thicker veil over men's minds, with the view of preserving their authority. It was thus, therefore, that they would not, if possible, permit any light to pass except through their own prism. He hoped, however, that the House would not suffer them to retain their dupes any longer in chains, and that the investigations of the Committee would result in measures effectually calculated to defeat the long-organised and insidious system of intolerance which they proposed to establish in Ireland.

LORD MONTEAGLE said, it was perfectly consistent for any noble Lord who approved of the system of Irish national education to support the Motion for inquiry, on the obvious grounds that the national system was a vast machinery for a great object of public interest, and administered under the control of Parliament. The mode of its management naturally came into question upon the retirement of the leading Commissioner, who had presided over it from the first. But independently of this event, an inquiry was no novelty and no concession. There had been previous Committees on the subject granted by the House of Lords and the Commons. From 1828 his noble Friend opposite (the Earl of Derby) and he had concurred on the subject of the value of the system, though for many years their politics were divergent; they had, however, laboured jointly in such inquiries, and he had no distrust that the noble Earl would in any wise fail in his duty on the present occasion. If, therefore, the earliest friends of the national system had hitherto supported inquiry, the acquiescence of the Government in the present Motion could not be justly considered as any new concession expressing mistrust of the system itself. He (Lord Monteagle) did not understand that the proposition of the noble Earl who introduced this subject was made in the spirit of the noble Earl behind him (the Earl of Clancarty). Two views appear-

ed to have been taken by the advocates of inquiry, which not only differed, but which were entirely antagonistic in principle. The noble Earl (the Earl of Eglinton) had laid down, with that authority which belonged to him individually, and with the additional authority derived from his official experience in Ireland, that even though he might be disposed to except to different parts of the present system, yet he had no desire to oppose it, nor had he received from others or been able himself to devise any plan for effecting its amendment, nor for the substitution of another. He (Lord Monteagle) felt that he could support this Motion for inquiry consistently with his attachment to the national system, and he would do so on the Parliamentary ground that the House had before them a vast system established for the most important national object; and that a very serious change had occurred in its practical administration that demanded the attention of the Legislature. He had learned with regret and alarm, he might almost add with dismay, the retirement, upon grounds which were not likely to have been light or frivolous, of the most reverend Prelate who had so long and ably presided over the National Board; and that fact he (Lord Monteagle) considered to be an additional reason to justify a Parliamentary inquiry. They had been told originally that the question at issue had turned upon a construction given to the eighth rule of the Board, by which a veto was supposed to be given to a single child, or the parent of a single child, entertained on the suggestion of conscientious objections, not only to withdraw himself, but to exclude a given course of religious instruction from the whole school, even though all other children were acquiescing in such study. Now, without stopping to inquire whether such a rule was right or wrong, he could assert that such a rule, if it did prevail, formed no part of the original system; and therefore he thought there were sufficient grounds for inquiry, both to know whether so extraordinary a rule existed at all, and whether it ought to continue. Besides, such an inquiry as the one now proposed was nothing novel or entirely without precedent; and, as he had already shown, the noble Earl at the head of the Government, in assenting to it, had only done that which his predecessors, who were the most attached to the national system of education in Ireland, had on more than one occasion done before him. It was, therefore, consistent with the defence of the

system. But if the House were to go into the whole question with a view to attaining the object of the noble Earl (the Earl of Clancarty), namely, an attack on the system itself, with a view to its overthrow, he, for one, could not afford to such a proposition even the humble sanction of his name. On what ground could this latter proposition be maintained? Never in the world was there to be found an instance of so much misapprehension, delusion, and mis-statement as there had been combined in the arguments on the religious part of this question; it was inconsistent throughout; the great argument against the system, upon its establishment in the north of Ireland, was founded upon the supposed exclusion of the Bible and the substitution of Scripture Extracts; while now the ground of objection from the same persons was the exclusion of those very Extracts, this mutilated Bible, as it was called. What had been the course originally taken? The objection taken to these Scripture Extracts had never been more strongly stated than by a right rev. Prelate, not now present, who had vehemently opposed the Irish National Board. The Bishop of Exeter had many years back stated, in his place in Parliament,—

“He did not understand that the Scripture Extracts were now to be withdrawn. It was not said they were, but he thought that was to be implied. That relieved their Lordships from the pain of seeing that recommended, which no Christian could see done without great pain and anguish. No one, he was sorry to say, could look at the work of the Commission without seeing therein a manifest proof of management which was a disgrace to them all. What was their joint and common object? To place these Extracts, which each Church claims, before the public as the same in doctrine and discipline for them all: such a proceeding was equally discreditable to all parties.”

Yet the opposition in both cases came from the same party, who alternately complained of the introduction or the exclusion of these books. Was there ever inconsistency equal to this? There was no satisfying noble Lords and right reverend Prelates. The rule last adopted by the Commissioners was neither the exclusion of the Scripture Extracts, nor their remission to the time of separate religious instruction. The reading of them had never been compulsory; and they were now to be read in the hours of common literary instruction, subject only to the application of the doctrine which had always prevailed, that, if the parents of

*Lord Monteaule*

a child objected to the reading of this book, the child should not be compelled to read it. Neither were all patrons compelled to introduce the book, under any circumstances whatever. They might exercise their full discretion. For his own part he would deeply deplore their exclusion, because he was strongly impressed with their importance, and also knew that their use was no invasion of the doctrine or discipline of the Roman Catholic Church. The national system of education had been brought before the head of the Church of Rome, and the Pope had left it to his bishops in Ireland to adopt or reject it in their respective dioceses. That system involved the Scripture Extracts, and therefore after this decision the reading of those extracts could not be considered to be a matter of faith or doctrine. Every part of these extracts had been approved of, also, by the late Archbishop Murray. The noble Earl (the Earl of Clancarty) had argued that the devotion of the clergy to their ordination vows was to be shown principally by engaging in proselytism. They were bound, he said, to banish and drive away all false doctrines, among which he specially placed the doctrines of Rome. He (Lord Monteaule), however, thought that their first duty was to nourish and cherish their own flocks; and if the ministers of the Churches of England and Ireland were to act as ministers of proselytism rather than apostles of peace, if they were to consider their first duty to be, as the ministers of the Church in England to attack the Dissenters, and those of the Church in Ireland to attack the Roman Catholics, he knew not how successful their proselytism might be, but he was convinced that the cause of Christianity and of toleration would be fatally endangered by the adoption of such a principle. If the schools were to be carried on as a system of proselytism, of which either the Extracts or the Bible itself were to be made the instruments, he thought it very likely that Roman Catholics, who, under other circumstances, would be as willing to read these Extracts as the noble Earl himself, would necessarily shrink from the system of proselytism to which they might be turned. To the circulation of the Scriptures by the ministers of proselytism the Roman Catholics might probably object; but this was wholly different from objecting to the Scriptures themselves. The contrary might be proved, and was confirmed by late events. He had learned,

from the very best authority, that the very parties who in Ireland were represented as standing so obstinately between the Holy Scriptures and the people were, even in no less significant a case than that of Archbishop M'Hale himself, now putting forth among their flocks a cheap publication of the Gospels translated into Irish. This edition, published under the superintendence of Archbishop M'Hale, was proposed to be spread and disseminated among the people. We were thus coming to new times; he thought the fact he had just mentioned might be owing to the efforts of some of the friends of the noble Earl opposite (the Earl of Clancarty), and was meant to foil them with their own weapons. As a Protestant, one strongly attached to Protestant principles, and as one maintaining as strongly as the noble Earl did the right of every man to appeal to Scripture as his guide, he confessed he rejoiced most exceedingly that the proselytising friends of the noble Earl should have brought out such a very curious development of the system of Catholicism on the part of their great clerical opponent.

**THE EARL OF CLANCARTY:** It is a subject for mutual congratulation.

**LORD MONTEAGLE** thought it was so, but then if it were true—and he believed it to be true—it could only be with a view to create absurd and unworthy prejudices that we should repeat, not only against the few, not only against those whom we called Ultramontane, but against the clergy and laity generally of a community which included the greater part of Christendom, that they were adverse to Scripture reading, and that they sought to keep the Word of God altogether out of the hands of the laity. The noble Earl had fairly said that he wished to see proselytism carried on in the national schools. Such was his object. That was to say, he had said that he had wished to see the clergy of Ireland more actively engaged in their management, and asserted at the same time that the sworn duty of that body was to drive away unsound doctrine, of which he considered the Roman Catholic to be the most unsound. That was a frank avowal of proselytism. Now, the late Primate of Ireland, who was an orthodox man, was one of the Commissioners who drew up a report upon the subject of national education; and what was the conclusion come to in that report?

"That no plan of education, however wisely

and unexceptionably contrived in other respects, can be carried into effect, unless it be explicitly avowed and clearly understood as its leading principle that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians."

That report was signed by the Primate of Ireland (Dr. Stuart) and other Prelates, by the Provost of Trinity College, and by a Commission exclusively Protestant. The same conclusion was come to in the report of 1824, when Mr. Frankland Lewis's Commission reported:—

"That in a country where mutual divisions exist between different classes of the people schools should be established for the purpose of giving to children of all religious persuasions such useful instruction as they may severally be capable and desirous of receiving, without having any ground to apprehend an interference with their respective religious principles."

And again, in 1828, the Select Committee of the House of Commons came to this decision:—

"Resolved, that no system of education can be expedient to influence or disturb the peculiar religious tenets of any sect or denomination of Christians."

These principles had now been adopted by Parliament, and sanctioned by a usage of more than twenty-one years. They were the foundation of the existing national system. To suppose that Parliament would now set them aside was as absurd as to dream of the restoration of the Ptolemaic system. The noble Earl was too late by a quarter of a century. Upon these grounds it was that, if he were told the whole question of the system of national education in Ireland was proposed to be reopened with a view to its alteration, he should object to the appointment of the Committee, but for the purpose of inquiring how that system was now administered, he willingly assented to the Motion.

**THE EARL OF DONOUGHMORE** said, that, according to the noble Lord who had just addressed the House, the object of the Motion was simply to discover the ground upon which certain gentlemen, one of whom was a member of their Lordships' House, had ceased to be members of the National Board of Education in Ireland. But if the inquiry were to be strictly limited to that subject, he (the Earl of Donoughmore) for one could only say that it would be perfectly useless. [**LORD MONTEAGLE:** I did not say that.] He (the Earl of Donoughmore) did not profess to be a supporter of the national system

of education in Ireland. Far from it; for he regretted that that system was so carried on that, as a conscientious Protestant, he could not take part in it. He regretted it, he repeated, deeply; because he sincerely desired the intellectual improvement of the poor of Ireland, and believed there was nothing which that country so much required, or that was so likely to lead to its speedy improvement. Amongst the points which ought to be included in the inquiry which the noble Earl at the head of the Government had expressed his willingness to grant, the first was this—what was the original intention of the system, and had that intention been adhered to? Now, it was plain, from the letter written by the noble Earl (Earl of Derby), when Chief Secretary for Ireland, that the object was to have a united system of education of the different sects, and that that united education was not to be entirely secular—that the broad truths and first principles of religious knowledge which were common to all Christian sects were to be communicated during the hours of secular instruction and at the same time to the children professing various creeds; and that the special religious teachings of the different sects were to be communicated at other times to the children of the several creeds separately. That this was the plan was also apparent from the first set of rules which were issued by the Commissioners, and the very first of which rules recommended the use of Scripture extracts in the schools. He did not mean to contend that the use of these extracts was ever made compulsory; but the use of them being recommended from the first, he regarded that as a tacit pledge that they should be used in the schools under the management of the Commissioners during the hours to be devoted to secular education. The second rule provided that one day in each week should be set apart for religious instruction, and that on that day the ministers of all religious denominations, whether they had taken part in the foundation of the schools or not, should have access to the schools, and should be permitted to give instruction to the children of their respective creeds. And it was this rule, he believed, which was one of the main grounds upon which the clergy of the Established Church in Ireland could have nothing to say to the system. In what position, he asked, would the Protestant clergyman have been placed, had he acted upon the system at that time?

*The Earl of Donoughmore*

Suppose he had established a school under the National Board, according to this rule he would be bound, at least one day in the week, to permit to be taught in the very school of which he was the patron the doctrines of the Roman Catholic faith by a Roman Catholic priest, and the doctrines, it might be, of the Unitarian creed, by a Unitarian minister, and thus become responsible for the teaching of religious opinions with which he not only did not agree, but which he believed to be dangerous to the souls of men. That rule alone, then, was a sufficient bar to a large number of the clergy of the Protestant Church joining the National Board of Education at that time. But the proof that at the establishment of the system the Scripture Extracts were intended to be used at the times appointed for conducting the united education was contained in the fifth of the original rules, which expressly declared that the reading of the Scriptures—either the authorised or the Douay version—should be confined to the hours of religious instruction. It was clearly, therefore, the intention of the framers of the original rules, that the Scripture Extracts, which did not contain the peculiar tenets of the different sects, should be read at the hours of secular education, the Bible being read at the hours of religious instruction. No change was made in this arrangement until the year 1838; but in that year an alteration was effected in the rules, which showed, he, thought, the one-sided reciprocity which existed with respect to the Protestant Church in Ireland. A rule was then added, to the effect that the titles of all books used in religious instruction should be reported to the Commissioners, except the standard books of that particular Church to which the children belonged. Now, he confessed he did not know what the standard books of the Roman Catholic Church were, nor did he suppose that many of their Lordships were very well acquainted with that subject; but he presumed that they were all aware that the standard book of the Protestant Church was the Holy Scriptures. So that the Holy Bible—the great book of the Protestant Church—the book from which she derived her whole teaching, and from which she professed to prove every doctrine she taught—was excluded from the national schools; whilst all the standard books of the Roman Catholic Church were admitted. It was useless, however, to go through the whole list of changes which had been



gradually made in the rules of the national system of education in Ireland. But the last change effected he confessed he rejoiced at; because, although it had rendered the system more than ever unfavourable to the Protestants, it had induced the Government to consent to a complete consideration of the question; and he believed that when the evidence which would be produced before the Committee should be completed, it would show that, so far from the system having been a great blessing to Ireland — as the noble Earl at the head of the Government thought it to be—it had positively checked instead of having promoted education in some of the rural districts in the south of Ireland. If proof were required that the present national system of education in that country had existed, was existing, and, if continued, would still exist, upon the sufferance of the Roman Catholic priests in Ireland, it was furnished by the observations of the right rev. Prelate who had addressed their Lordships that night. The right rev. Prelate had entered into a long argument for the purpose of showing that, although Archbishop Murray did undoubtedly consent to the Scripture Extracts, and permit the use of them in the national schools in his diocese, yet that that Roman Catholic dignitary did not bind his successors nor any other prelates of the Roman Catholic Church in Ireland by his example. Now this was the very point which noble Lords on that (the Opposition) side of the House had contended for. They said that when two Archbishops in Dublin—one of the Established Church, and the other of the Roman Catholic Church, were willing to make concessions, a compromise was effected between opinions which were as different as light from darkness; but the moment that this engine was placed in the hands of the Roman Catholic Clergy in Ireland, and they found themselves in full possession of it, they demanded still further concessions. These concessions had been granted to them, and he (the Earl of Donoughmore) had no doubt that, unless Parliament put a decisive stop to them, further concessions would be demanded, and very possibly further concessions granted.

THE BISHOP OF DOWN AND CONNOR interposing, said, he had not uttered a single word about the Scripture Extracts, but had confined himself solely to the little work of the Archbishop of Dublin (Dr. Whately) entitled “Scripture Evidences,”

of which, he stated, Archbishop Murray had approved; but that his approval would not necessarily be sanctioned by the Roman Catholic Church for ever.

THE EARL OF DONOUGHMORE: The noble Lord opposite (Lord Monteagle) had represented his noble Friend (the Earl of Clancarty) as expressing an opinion in favour of carrying on the system of national education with the view of proselytising the Roman Catholics of Ireland. He (the Earl of Donoughmore) did not think that what had fallen from his noble Friend could bear any such interpretation; and, for his own part, he did not wish to see a system of education which was paid for by Parliament out of the funds of the public conducted in a proselytising spirit either on the one side or the other. But he asserted that it could be proved before the Committee that the national system of education had been made an engine of proselytising on the side of the Roman Catholics. It was a notorious fact that national schools had been established in remote districts in the west of Ireland for the very purpose of withdrawing children from the Scripture Schools established by the missionary societies, and for that purpose alone, and that the public money which the Parliament of Great Britain had granted for the purpose of giving a sound secular education to the Irish poor had been used by Roman Catholic priests with the view, at all events, of putting a stop to and opposing the efforts of the Protestant missionaries in the west of Ireland. That fact, he thought, could not be too much insisted upon, in order that the people of England might know (and this he trusted would be made plain and clear to them by the investigations of this Committee) that, whilst Parliament granted nearly 200,000*l.* a year for the purpose of giving a good secular education, with a certain amount of general religious knowledge mixed with it, to the Irish poor, that fund had been used for the most part in communicating a very inferior and a very inadequate amount of secular knowledge, joined with the Roman Catholic religion in its most acrimonious and prejudiced form with hostility to our Protestant fellow-subjects, and, he was sorry to add, in many instances hostility also to the British Crown; and further, that this fund had been applied—he could not say to a very large extent, but certainly to some extent—in endeavours to oppose the efforts of the Protestant missionaries in the west. It

was also a notorious fact, and if the noble Earl the Secretary for Foreign Affairs were now in his place he would appeal to him to corroborate the truth of the statement, that during the attempted rebellion in Ireland in 1848, the most mischievous and the most ardent of the rural leaders of disaffection in the south were the masters of the national schools; yet these were the men, forsooth, that the British Parliament had been paying for the last twenty years, whilst hoping and believing all the time they were imparting a sound education to the Irish poor. When the investigations of the Committee were completed, he had no doubt that Parliament and the country would see that the system now existing in Ireland required an immediate and a thorough amendment.

THE EARL OF CLANCARTY explained that, in what he had said, he had not intended in any manner to advocate the introduction of a proselytising spirit into the national schools of Ireland.

THE EARL OF EGLINTON, in reply, said: In reference to a question put in the course of the debate, it was, of course, impossible for him to say what evidence the Committee might think proper to receive when they were assembled. He could only state the animus by which he was himself actuated, which was the same as he had already stated to their Lordships. He had stated last year—and he had repeated the statement to-day—that he still gave a general approval to the system of national education, but that he did disapprove of the circumstances which occurred last year, and of the innovations—for he must call them innovations—which had been introduced. He thought that those circumstances, resulting as they had in the retirement of three of the most prominent members of the Board, would probably engage, in the first instance, the attention of the Committee; at the same time, he conceived that the Motion was so worded as not to preclude an inquiry into the practical working of the system since it had been established; and he did not wish to preclude himself from receiving any new impressions which the evidence might make upon his mind. The noble Earl at the head of Her Majesty's Government had stated to the House that since the innovations the number of children attending the national schools had increased. He rejoiced to hear it. At the same time, he could not help suggesting that it was possible the increase had been occasioned by

*The Earl of Donoughmore*

the attendance of the Roman Catholic children to a greater extent than before in consequence of the changes made. He had heard, also, and believed it to be the fact, that a great number of Protestants, who had disapproved of what had happened last year, were going on, in the expectation of a Parliamentary inquiry, and had therefore not taken the stronger steps which they might otherwise have adopted. With respect to the statement of the right rev. Prelate, that the school at Clonmel was an agricultural school, he might observe that there were other schools in which the same system was pursued, and in which the religious books had not been read from the commencement; and that, even supposing these to be all agricultural schools, there was no reason why agricultural children should not receive the same religious education as any other.

On Question, *agreed to*; Committee named.

House adjourned to Monday next.

## HOUSE OF COMMONS,

*Friday, February 17, 1854.*

MINUTES.] PUBLIC BILL.—1° Bribery Prevention.

### THE ADMINISTRATION OF THE ARMY—QUESTIONS.

LORD SEYMOUR: I wish to put two questions to my noble Friend the Member for the City of London, of which I have given notice. These questions relate to matters that were brought before the Committee on the Army Estimates, of which several members of the Government were members, and of which I was the Chairman. The first is, whether it is the intention of the Government to lay on the table of the House the militia and commissariat estimates, before proceeding with the Army Estimates, so that the House may be enabled to consider at the same time the whole military expenditure of the country? The second question is, whether it is the intention of the Government to introduce any measure with the view of bringing the several departments connected with the administration of the Army under the superintendence and control of one responsible department?

LORD JOHN RUSSELL: Mr. Speaker, with respect to the first question which my noble Friend has put to me, I have to say, that it is very desirable to proceed with the Army Estimates as soon as possible; and

I am, therefore, afraid that the militia and commissariat departments cannot be prepared in time to enable us to bring them on with the Army Estimates. With regard to the second question of my noble Friend, I have to say that there is no present intention, on the part of the Government, to introduce any measure with the view of bringing the several departments connected with the administration of the Army under the superintendence and control of one responsible department. If, however, the Government should entertain such a measure, they will give due notice of it.

#### RUSSIA AND THE PORTE—

##### MOVEMENTS OF THE FLEETS—QUESTION.

MR. GROGAN said, that he had seen in the public press, in the course of the day, certain announcements which appeared to be authentic, and with reference to which he wished to put a question to the noble Lord the Member for the City of London. In the *Morning Chronicle* of that day, in a letter from its correspondent in Constantinople, was the following:—

“An official despatch states that the *Banshee* brought an order to Constantinople for the combined fleets to remain at Beycos. When necessary, six steamers are to be employed conveying the Turkish ships to and from the Turkish ports. Four steamers are to reconnoitre in the Euxine, to be relieved every fourth day by the Turks.”

Now, he wished to ask the noble Lord if he had any objection to lay a copy of the despatch containing the orders given to the Admirals upon the subject to which he had called their attention, upon the table of the House?

LORD JOHN RUSSELL: In answer to the question of the hon. Member, I have to state that I think it would be most inexpedient that the orders which may be given to the fleet should immediately be communicated to this House. No course, in my opinion, would be more likely to interfere with the successful prosecution of those orders.

#### ASSISTANT-SURGEONS IN THE ROYAL NAVY.

On the Motion that Mr. Speaker should leave the Chair, in order that the House might resolve itself into a Committee of Supply,

COLONEL BOLDERO rose, to bring forward the Motion of which he had given notice. He was sorry to intrude himself upon the House when they were expecting

such an important debate as that which was about to follow; but he had a duty to perform in advocating the interests of the naval profession, and he therefore trusted that the House would excuse him for persevering in his Motion. Every one must be desirous at the present time of rendering the naval service as efficient as possible in all its branches. This country now possessed the finest ships in the world, and they contained every accommodation for their officers and men, and yet the Admiralty hesitated to give the assistant-surgeons that accommodation to which their position and their profession entitled them. The fleet was far better organised than it had been during the late war, and he thought that the medical department of the fleet ought also to be placed in a better position. The sailors of the present day were a superior class of men to those engaged during the last war, and they ought to be properly cared for. What reason was there for not placing the medical department of the Navy upon the same footing as that of the Army, or of the East India Company, or of the mercantile service? They had even lowered the qualification of the medical students who were admitted as candidates. In 1850 every medical candidate for the Navy was required to have walked the hospitals for two years, and to be able to undertake the charge of 150 patients; but now eighteen months was considered sufficient, and the number of patients was reduced to 100; and similar reductions had been made in the periods during which he should have attended botanical and other lectures. This was not a time, it appeared to him, to lower the qualifications of medical men in the Navy; on the contrary, he believed that this was especially the time when we ought to raise them as high as we could, in order to procure the very best men that either the Universities, England, Ireland, or Scotland could send us. Why should the position of an assistant-surgeon in the Navy be worse than that of a surgeon in the Army? Surely Government had no interest that this should be so, especially when it was remembered how much more difficult it was to make a perfect naval surgeon than a perfect army one. A surgeon in the Army might learn his duty at once, but not so a surgeon in the Navy, inasmuch as both time, experience, and knowledge of a sailor's life were requisite to enable him efficiently to discharge the duties of his position. Every soldier cost the country 30*l.* a year, and every sailor cost the

country upwards of 45*l.* a year; so that if there were any difference made in the provisions for the preservation of their health, that difference ought to be in favour of the sailor. As to casualties, the soldier's place could be supplied in six months, whereas an able-bodied seaman's would take as many years. No one was received as an assistant-surgeon on board a man-of-war if he were less than twenty-four or more than twenty-six years of age; and gentlemen thus admitted were compelled to associate for three years in the cockpit with boys sixteen or eighteen years old. The result was, that the *élite* of the young and more adventurous members of the medical profession shunned the Royal Navy, and sought employment in the Army, or in the East India Company's service. He must complain that the Resolution which had been passed by the House in the year 1850, with a view to remedy that evil, had been evaded by successive Boards of Admiralty; and he feared that they would not receive any satisfactory assurance upon the subject from the right hon. Baronet at the head of the present Board. But he felt himself bound to call upon the House to give to their own recorded Resolution their continued and earnest support.

#### Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words, 'whereas the House passed a Resolution on the 8th day of April, 1850, to the effect, "That the accommodation provided for Assistant Surgeons on board Her Majesty's ships of war is inadequate and insufficient for securing the full benefit of their professional services," the Admiralty regulations, since the passing of the aforesaid Act, have not been in the spirit of, nor have they fulfilled the intention of, the said Resolution,—it is the opinion of this House, that the above Resolution should be forthwith carried into effect,' instead thereof."

SIR JAMES GRAHAM: I can assure my hon. and gallant Friend and the House generally that nothing can be more opposed to my feelings than to treat with the slightest disrespect that learned and most useful profession which he has taken under his protection. My hon. and gallant Friend, not satisfied with stating his own case, has endeavoured to anticipate the answer I am about to give him. The subject has been repeatedly discussed in this House; and in the year 1850 we had the advantage of hearing from my hon. and gallant Friend a long speech with respect to it, very nearly identical with that which we have heard to-night, and my hon. and gallant Friend may very fairly anticipate that my

reply to his remarks will possess little of novelty. I can, in fact, only give him the same answer which all my predecessors, after mature inquiry and while in the possession of official knowledge, have thought proper to give to similar questions. I have to state that I have investigated the matter, and that I have found on the part of my predecessors a most sincere and anxious desire to carry fully and fairly into effect, as far as possible, the Resolution which my hon. and gallant Friend induced the House to adopt in the year 1850. I hold in my hand a report of the Surveyor of the Navy, Sir Baldwin Walker, which was made after the Motion was carried, with reference to the difficulties in the way of giving full effect to the Motion; and that report details those difficulties so clearly that I cannot, I think, do better than read it to the House. Sir Baldwin Walker said:—

"The gun-decks of ships of the line are now most inconveniently lumbered with cabins, inclosing many of the guns, thereby preventing the ship from being at all times in a state of readiness for action, which is the most essential point in a man-of-war. Since the war, cabins have been added for the chaplain and naval instructor, and for an additional lieutenant. Should it be deemed necessary to have a cabin for the assistant-surgeon, it can only be done in ships of the old class, by interfering further with the efficiency of the ship, or by one of the officers of the present establishment being displaced; but in the new ships of the line, where cabins are built on the orlop, arrangements may be made for an additional cabin. The heavy armament of ships of the present day has rendered an increase necessary in the complement both of officers and men; and it is found that the space occupied by the cabins, the mess, and sleeping places of the officers on the different decks, leaves barely sufficient room for the accommodation of the crew; for not more than fourteen inches in breadth can generally be obtained for each man's hammock to hang under the beams."

This was the state of affairs in the year 1850. But I beg the House to recollect that we are now discussing this question at a moment of peculiar interest. The complement of men in the ships of the Royal Navy, which was then a peace complement, is now a war complement; and a number of officers of greater rank than assistant-surgeons have been added to each crew. There is now for each line-of-battle ship a commander, as well as a first lieutenant, and there is also a naval instructor in each ship. But, above all, the introduction of screw machinery has greatly reduced the accommodation of the crew. A very large portion of the hulls of vessels is occupied by that machinery. Then, again,

*Colonel Boldero*



I should state to the House that at this particular moment a very great impediment is offered, by the want of sufficient room, to the adoption of an arrangement to which I attach great importance, and which I hope it will be in my power before long to bring under the consideration of the House. I contemplate an alteration in the mode of paying the men. I contemplate the adoption of a system which will increase the number of clerks in the paymaster's office, and I hope to be able to mature a plan for the payment of the men in the Navy similar to that which exists in the Army. I propose that the men shall be paid in full every quarter, so that an end may be put to that most noxious system of long arrears of pay which has a degrading and demoralising effect upon the seamen, and, as I believe, materially interferes with the efficiency of the service. That is an object of paramount importance, and if such a change be introduced, a considerable increase must take place in the number of clerks at present assigned to the paymaster's office. I can state to my hon. and gallant Friend that there has been an honest endeavour on the part of different Boards of the Admiralty to give effect to the Resolution adopted by the House in the year 1850. The medical system has since been divided into two classes; all those assistant-surgeons who are above three years' standing now mess in the wardroom, and have a separate cabin, whenever by any possibility such an accommodation can be provided for them. I cannot think there is much hardship in junior members of the medical profession messing and associating with mates in the Royal Navy, many of whom, I am sorry to say, from the slowness of promotion, are of an age greater than that of the assistant-surgeons. I need not remind the House that these mates are drawn from every class of society in this country, and very often from the very highest class, and I cannot, therefore, think that it is any degradation to young surgeons to associate with such gentlemen. My hon. and gallant Friend says, that the qualification for surgeons in the Royal service has, of late, been lowered. I must deny that altogether. The examination is now more stringent than it ever was before. It was formerly in the hands of one individual; it is now, in the Navy as in the Army, in the hands of a Board; and although the required period of attendance at the hospitals has been lowered, the examination has become more strict, and the standard of acquirements

is at present higher than ever. But is it true that there is no competition among young surgeons for admission to the Royal Navy? Is there a reluctance on the part of medical gentlemen to enter the Royal service? Quite the contrary. In the course of the present year there have been no fewer than, I think, 109 applications for appointments of this description, and thirty-five gentlemen have been so appointed within the year. At this moment there is no deficiency in this branch of the service; we have no complaint to make of a want of a sufficient number of assistant-surgeons in the Navy; and we have every reason to be satisfied with the competency and the abilities of the gentlemen selected for the office. I can assure my hon. and gallant Friend that, if I had the slightest apprehension that the crews of Her Majesty's ships were exposed to the treatment of ignorant and empirical practitioners, there is no effort that I would not make to remedy so great an evil. But in my conscience I do believe that the gentlemen who, under the present system, are appointed to discharge the duties of assistant-surgeons in the Royal Navy are fully qualified for that most useful service in which they are engaged. The opinion of the Board of Admiralty of the present day upon this subject is identical with the opinion of the three or four Boards which preceded them. Everything has been done which, consistently with the discipline and the comfort of the ships' companies, could be done; and I do hope that, after the statement I have now made, either my hon. and gallant Friend will not press his Motion to a division, or that, if he should persist in doing so, the House will agree with me in opposing it.

MR. M. CHAMBERS said, it appeared to him from the speech of the right hon. Baronet the First Lord of the Admiralty, that the case of the assistant-surgeons was hopeless, unless that House interfered in their favour. With regard to the class of men whose interests were now under discussion, it should be remembered that they were men who had received a superior education, and in the course of their studies must necessarily have acquired much varied and useful information. Before they could pass the College of Surgeons they were obliged to produce certificates of being twenty-one years of age; of having been engaged during four years in the acquirement of professional knowledge; of having studied practical phar-

macy during six months; of having attended at a recognised hospital or hospitals in the United Kingdom the practice of physic during one winter and one summer session; of having attended, during three winter and two summer sessions, the practice of surgery at a recognised hospital or hospitals in the United Kingdom; of having studied anatomy and physiology by attendance on lectures and demonstrations, and by dissections; of having attended lectures on the principles and practice of surgery; of having attended lectures on materia medica, and lectures on midwifery; and of having attended a course of lectures on the practice of physic and chemistry. In addition to this the regulations of the Admiralty with reference to the admission of candidates for the office (as it was called) of naval surgeon were stringent in the extreme. Among other things, they provided that no person should be admitted as an assistant-surgeon in the Royal Navy who should not produce a certificate from one of the Royal Colleges of Surgeons of England, Edinburgh, or Dublin, or from the Faculty of Physicians and Surgeons of Glasgow, of his fitness for that office; nor, as a surgeon, unless he should produce a diploma, or certificate, from one of the said Royal colleges or faculty, founded on an examination to be passed subsequently to his appointment of assistant-surgeon, as to his fitness for the situation of surgeon in the Navy; and in every case the candidate producing such certificate or diploma was to undergo a further examination, touching his qualifications in all the necessary branches and points of medicine and surgery for each of the steps in the naval medical service. Previously, also, to the admission of assistant-surgeons into the Navy, it is required that they should produce proof of having received a preliminary classical education, and that they possess, in particular, a competent knowledge of Latin; also, that they are of good moral character, the certificate of which must be signed by the clergyman of the parish, or by a magistrate of the district; that they have served an apprenticeship, or have been engaged for not less than six months in practical pharmacy; that their age be not less than twenty-one years nor more than twenty-six years; and that they are unmarried; that they have actually attended a hospital in London, Edinburgh, Dublin, Glasgow, Aberdeen, Manchester, or Bristol, for eighteen months subse-

*Mr. M. Chambers*

quently to the age of eighteen, in which hospital the average number of patients is not less than 100; that they have been engaged in actual dissections of the human body twelve months, the certificate of which from the teacher must state the number of subjects or parts dissected by the candidate; that they have attended lectures, &c., at established schools of eminence, by physicians or surgeons of the recognised Colleges of Physicians and Surgeons in the United Kingdom. In addition to the tickets for the lectures, certificates must be produced from the professors, &c., by whom the lectures were given, stating the periods (in months) actually attended by the candidates. The time also of actual attendance at a hospital or infirmary must be certified; and the tickets, as well as certificates of attendance, age, moral character, &c., must be produced by the candidate previously to his examination. Although the above were the only qualifications which were absolutely required in candidates for the appointment of assistant-surgeon, a favourable consideration was given by the Board of Admiralty to the cases of those who had obtained the degree of M.D. at either of the Universities of Oxford, Cambridge, Edinburgh, Dublin, Glasgow, London, or Aberdeen; or who, by possessing a knowledge of diseases of the eye, and of any branch of science connected with the profession, such as medical jurisprudence, natural history, natural philosophy, &c., appear to be more peculiarly eligible for admission into the service. By the rules of the service no assistant-surgeon could be promoted to the rank of surgeon until he should have served three years (one year of which must be in a ship actually employed at sea), and could produce a diploma from one of the before-mentioned Royal Colleges or the Faculty of Physicians and Surgeons. By these Admiralty regulations, then, these assistant-surgeons were required to be men of excellent education, of intelligence and industry; and, after having passed a strict examination before the College of Surgeons, or before the Board appointed by the Admiralty, they had the great advantage of being allowed to go on board one of Her Majesty's ships, and of being turned down into the cockpit among young men, no doubt, of gentlemanly habits, but not of the age nor the pursuits which fitted them to be associates of medical men. He had recently received a letter from one of those sufferers, detailing the annoyance

of the daily life of one of the junior assistant-surgeons, which he would read to the House:—

“The naval assistant-surgeon is messed with the midshipmen, and dependent on their society, being totally excluded for the first three years of servitude from the lieutenants’ mess, of which the chief engineer, chaplain, naval instructor, and second lieutenant of Marines, an ensign in the Army, are members at once. He is denied a cabin, which is accorded to the carpenter, gunner, and boatswain. His hammock having been unslung from its position in the dark close cockpit, in common with the midshipmen (boys of from twelve to eighteen years of age), at half-past six or seven o’clock, he next proceeds to make his toilet and wash upon his sea-chest (a *multum in parvo* of a certain regulation size, supposed by Admiralty order to contain all the equipments of the medical officer, uniform, books, and instruments, &c.). Those operations in ships of the line he has to perform in the presence of the midshipmen and others of his mess, and in smaller vessels frequently under the gaze of the whole crew. After this comes his morning duty, in the details of which, in all except ships of the line, he is subjected also to the scrutiny of the crew. Then comes breakfast in a small confined dark berth, among thoughtless wild boys, varying in number from eight to twenty-five, not at any time peculiarly observant of etiquette. Between visiting his sick, reports, and walking the deck (for read he might as well in a ‘bear-garden’—I once attempted it, but was glad to recover my books, denuded of their covers and titlepages), he kills his time till noon, the service dinner hour for the men and ‘young gentlemen,’ in which category is ranked the assistant-surgeon. In like manner is spent the day till eight o’clock, when the hammocks are ‘piped’ down by the boatswain, the lights put out for the crew and midshipmen, after which the wretched assistant-surgeon, having been accustomed to a life replete with reading, intellectual research, and social improving converse, now disgusted and disheartened, climbs into his hammock to reflect (until he finds himself ‘out down’ and his head bumping against the deck—the facetious trick of some wanton midshipman-messmate)—to reflect on the little chance he has had during the day of doing good for himself or fellows, debarred as he is by his false position from the society of the wardroom officers, his more fitting equals, with whom at least he could interchange ideas, in consequence of his age and education.”

In the debate of 1850 he observed that a benevolent Lord of the Admiralty of the time stated that it was absolutely necessary that the junior assistant-surgeons should serve a three-year apprenticeship in this way—that they should not be admitted into the wardroom until after a three years’ probation of that description. And why not? Was it that they were unfit to associate with the wardroom officers? If such were the opinion of the Lords of the Admiralty, it certainly was not that of the Navy—at least to judge from the conduct

of the officers of one of Her Majesty’s ships, who had recently taken the assistant-surgeon on board their vessel by the hand and invited him to join their mess, thus placing him in his proper position. One very important part of the question was the low position in which assistant-surgeons in the Navy were placed as contrasted with assistant-surgeons in the Army. Part of our Army was about to be sent abroad, and if any regiments were embarked on board one of Her Majesty’s ships, it would not be very pleasant for the officers of either service to find that, while the assistant-surgeon of the vessel was put down in the cockpit among the young midshipmen, his equal in rank—the military assistant-surgeon—would mess and associate, as a matter of course, with the other officers, his friends and companions, and, perhaps, even with the captain. But what had the Board of Admiralty done to promote the comfort and convenience of the naval assistant-surgeons? In 1850 a Resolution was passed highly honourable to the House, but which had not been properly carried out by the Admiralty. The Lords of the Admiralty issued a general order that the assistant-surgeon should have a cabin, “whenever it was practicable.” Oh, that word “practicable!” How much it meant and how little it effected. It gave every person an opportunity of making an excuse for not doing that which was wanted, and accordingly, in the present case, the captains of the Royal Navy had drawn from it a sort of discretionary power with reference to the granting of cabins, and the result was that little or nothing had been done for the accommodation of the assistant-surgeons. One of the arguments against the Motion was that if cabins were allotted to assistant-surgeons, they would prevent the fighting of the ships; and another was the want of space. Now, it was a singular circumstance that since this question was first mooted cabins had been given to other officers. Space had been found for them, though it could not be found for assistant-surgeons. He had heard it mentioned also that the valet of a noble Lord, who was recently sent on a scientific mission in one of Her Majesty’s ships, had been provided with a cabin for himself, though one could not be given to the assistant-surgeon; and that on another occasion a cabin had been conceded to a lady’s maid. Was that right, or was it wrong? [“Oh, oh!”] Surely he might crave the indulgence of



Assistant Sergeant in  
be spoke up  
interests:

[illegible]



with arguments precisely similar to those which had been advanced, with very little force, as it appeared to him, on the present occasion. He had himself served, both as a mate and as a surgeon, on board a ship, and from personal experience he could appreciate the feelings of gentlemen who, having been educated for a liberal profession, found themselves subjected to anything but liberal treatment. [*A laugh.*] Hon. Gentlemen might laugh, but he hoped there could be no objection to regard the medical as a liberal profession. He could assure the House that, throughout the whole of the profession, there was a feeling that the assistant-surgeons were not treated as they should be. So strong, indeed, was this feeling, that when he represented the wrongs of the assistant-surgeons and the mates, some years ago, in that House, he received a letter from a body of those officers, thanking him for his services in their behalf. So unworthily were the assistant-surgeons used, that no medical men would enter the Navy who could procure employment elsewhere. It was idle to defend the present system by reference to the limited space on board ships. Captains and commanders had often three times as much space as they required. The captain might very fairly be called upon to surrender one-half of his accommodation. He wished that the Admiralty would allow him (Mr. Hume) to go on board the ships of war, and he would undertake to find plenty of room for everybody.

MR. STAFFORD said, that though the hon. Member for Montrose might congratulate himself on receiving letters from the assistant-surgeons and mates in the Navy, he had no doubt the captains and officers were of a very different tone of thinking. He (Mr. Stafford) should protest against the imputation thrown on the assistant-surgeons, that "if they could get employment elsewhere, they would not enter the Navy." Now, he should say that, judging by their skill, their activity, and their zeal, he believed them to be as attached to their profession as men could be. An imputation had also been cast on the late Board of Admiralty; but he should say, that everything had been done by that Board that was compatible with the interests of the service, to ameliorate the condition of the assistant-surgeons. He altogether agreed in what had fallen from the right hon. Baronet the First Lord of the Admiralty, and should therefore vote against the Motion.

MR. BRADY said he considered that great injustice was done to the country

and to the naval service by the regulations now adopted. He was perfectly satisfied that, unless some alteration was made in those regulations, the naval service could not be as effective as it would otherwise be. He believed that the assistant-surgeons employed in the Navy were so situated that they were not only degraded in a social and professional point of view, but they were not afforded those opportunities of cultivating their profession which they ought to have. It was of the greatest importance that the medical profession in the Navy should be sustained and supported by Government, as he believed that incompetent persons might otherwise be appointed, and that the greatest injury might consequently be inflicted upon the service. As one of the representatives of the people, he held that Parliament should at once take the question into serious consideration, and fix it on a better basis than that upon which it now stood.

MR. COWPER said, the regulations of the Board of Admiralty were well known, and assistant-surgeons applying for admission into the Navy were perfectly acquainted with them, therefore they could not plead ignorance of the conditions under which they had to serve. Those who disagreed from the regulations in force had nothing to do but to retire and employ their services in another direction. The hon. and learned Member for Greenwich (Mr. M. Chambers) had endeavoured to show that young men belonging to the medical profession had to undergo great hardship. Of course they underwent hardship if they went to sea, and it was entirely out of the power of the House of Commons to prevent them, in that case, from being exposed to very great inconvenience. In fact, he saw no power the House could possibly possess of preventing assistant-surgeons from undergoing the hardships to which other young men in the service were subjected. If advantages were given to assistant-surgeons which they did not now possess, those advantages must be taken from the accommodation supplied to the men, and he did not think the House would feel inclined to give assistant-surgeons increased accommodation at the expense of the proper working of the ships in Her Majesty's service. He disagreed from the belief expressed by the hon. Member for Montrose (Mr. Hume), that accommodation could be taken from that at present allotted to the captains in the service, and he considered that if any space on board ship were appropriated to the assistant-surgeons, it

could come from no other source than the space allotted to the common seamen. The Lords of the Admiralty were animated by an earnest desire to make the service as agreeable as possible to gentlemen of the medical profession, and, generally speaking, he believed members of the medical profession were perfectly satisfied with their present position.

CAPTAIN SCOBELL said, he thought, as this was a question of detail relating to the naval service, it would be exceedingly unwise for the House of Commons to set a bad precedent in taking out of the hands of the Admiralty arrangements of such a nature as those which had been discussed. The medical profession in the Navy had been compared with that of the Army; but he believed the comparison was an improper one, inasmuch as in the Army plenty of space could at all times be procured, while in the Navy a limit must necessarily be fixed upon it. If assistant-surgeons in the Navy were put to mess with persons who were not gentlemen, he could then fully understand the arguments which had been put forward; but the fact in reality was, that they messed with the mates and masters' assistants, who were young gentlemen of the same position as themselves. It was absolutely impracticable in all ships in the service to carry out the plan suggested for the adoption of the House; and, if it could not be better carried out universally, it would be much better not to adopt it at all. It might certainly be carried out in guard ships, and in ships in harbour; but, speaking from experience, he was perfectly convinced it could not be carried out universally throughout the service. In the majority of ships there were already too many cabins, and it was a most unfitting moment in a time of war to attempt to increase the cabin accommodation on board ship. If the privilege of admission into a cabin were granted to assistant-surgeons, he felt there were other persons equally entitled, who would at once put forward their pretensions to the same rights.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 216; Noes 104; Majority 112.

Question again proposed, "That Mr. Speaker do now leave the Chair."

#### RUSSIA AND THE PORTE.

MR. LAYARD:\* Sir, in pursuance of a notice which I have given, I now rise to call the attention of the House to the ac-

te of the relations of this country

*Cooper*

with Russia and Turkey. I humbly conceive that no time could be more opportune than the present for bringing to the notice of the House this most momentous subject. You are called upon, Sir, to leave the chair, that we may resolve ourselves into a Committee to take into consideration the Navy Estimates. We are invited to make very considerable additions to our naval forces, and to vote extraordinary sums to meet certain contingencies, which can mean nothing else but war. I think it therefore but natural for the Government, indeed almost their duty, to state to this House, before we agree to those additions and that increase, what their intentions really are, and to set before the country distinctly the position in which we now stand, in order that we may respond with confidence to the appeal about to be made to us. And it is the more necessary that these statements should be made at this moment, for, owing to a somewhat extraordinary reserve, not to use a stronger term, on the part of Her Majesty's Ministers, we are somewhat at a loss to know in what position we really are. I trust that this evening all such doubts will be cleared up. But, before asking what the Government are going to do, I have another duty to perform. I wish to see what the Government have done. It is with great reluctance that I recur to old errors and past grievances. I know it is always unpalatable to Government to refer to blue books. With regard to those documents a rather singular practice seems to exist. If an independent Member wishes in the course of the Session to ask a question which it may be inconvenient to Ministers to answer, or seeks explanations which it does not suit them to give, he is told, "This is not the proper time—it is better not to discuss the matter now—it is inconvenient to give one document without the others—when they are all published you can enter on the discussion with a full knowledge of the facts." But when the blue books are published, generally some six months after the public interest has abated, if the same Member rises to make any remarks upon them, he is told, "It is now too late—let bygones be bygones—it is of no use to rip up old sores—better let things remain as they are." That is all very well under ordinary circumstances; but when a great matter like the present is at stake, it is, I humbly submit, the duty of the House to have at least one discussion on the blue books. We may learn a useful lesson from them; we may learn

how far the Government may be warranted in persevering in their previous policy; how far vacillation and indecision may have brought us into the straits in which we now are; and how far the former conduct of Ministers warrants our placing confidence in them for the future. Moreover, I feel I have a threefold duty to perform in calling public attention to the documents they contain. I owe a duty to the country, to this House, and to myself. To the country and this House, because last Session on several occasions I deferred to the wishes of the Government, and refrained from insisting upon information and declarations which I then thought of considerable importance, and which I still think would have placed us, had they been afforded, in a better position than we now are. To myself, because I ventured at the same time to submit to the House opinions which were then questioned, but which I believe have been since fully supported by facts; and because I feel called upon to show the House that it was from no idle desire to bring myself under their notice that I then asked for explanations which I then believed and still believe were most essential to the public service. But I do not wish to go at any very great length into these blue books. Whatever allusions I may make to them will I trust be made with all impartiality. I have no wish to make this subject a plea for factious opposition to the Government, although that is a motive, unfortunately, too frequently attributed to young Members who take an independent course. All I desire to show is, that if the Government had adopted in the first instance a more straightforward and energetic policy, we should not be in the position we now are; and that if they wish to carry this great question to a successful issue, they must not continue in that course which they have hitherto pursued.

I ventured to state last year that it was my firm conviction, that if at the commencement of this momentous question the Government had adopted a tone equal to its importance, we should not be now beset with the difficulties which surround us. I confess I see no reason whatever to change my opinion. I have gone through the papers on the table with the greatest possible care; few Members, I believe, have devoted more attention than I have to them, and, with the sincerest desire to give the Government the benefit of every excuse they can advance, I see no cause

for thinking otherwise than I then did; on the contrary, I am persuaded, and those who are much better able to judge than I am, agree with me in the conviction, that I was right.

What, let me ask, was the state of things last year? Why, early in the winter the Government was informed, from numerous sources—sources beyond all suspicion—that Russia was making vast armaments by sea and by land. I will not enter into the question which had arisen between the French and Russian missions at Constantinople. I quite agree in the propriety of the instructions sent by the Government to their agents abroad, that with that question we had nothing to do; but surely, when we saw a Power like Russia arming itself for a great contest, the question ceased to be one of mere local or particular interests; and, becoming one of European importance, it was incumbent on the Government to ask the reason and the cause of those armaments. It is now useless to tell me that the Government did not possess positive information at that period with regard to the designs of Russia. In answer to such an assertion, I will shortly call the attention of the House to three points—the evidence we then had of the military preparations of Russia, of her naval preparations, and the declarations made by the Emperor himself, through his agents, to Her Majesty's Ministers. On the 6th and 7th of January, Sir G. H. Seymour informed Lord John Russell, who was then Secretary of State for Foreign Affairs, that orders had been given to the 5th *corps d'armée* to advance to the frontiers of the Danubian provinces without even waiting for their reserves, and to the 4th corps, under General Dannenberg, then stationed in Volhynia, to hold itself in readiness to advance if necessary. Lord Cowley wrote on the 20th of January, that the French Government had received similar information of the military movements of Russia on the frontiers of Turkey. Here, then, is proof of great military preparations as early as January. On the 9th of February Lord John Russell wrote to Sir G. H. Seymour:—

"I have to acquaint you that, in a despatch dated Odessa, January 24th, Mr. Consul-General Ycames reports that orders have reached Sebastopol for the equipment of the fleet, so that it may be ready for sea at a short notice."—[No. 84.]

We had thus information, not through vague reports, but through Her Majesty's

agents themselves, that the Russian Government was making, early in the winter, vast naval and military preparations.

I cannot help quoting here a despatch of the noble Lord to Colonel Rose, which puts out of the question altogether the supposition that Her Majesty's Government were not prepared, at that period, for some great movement by Russia. After informing Colonel Rose that Prince Menchikoff was about to proceed to Constantinople, and noticing the rumour that he would demand the dismissal of the Turkish Foreign Minister (mark! this was in February), the noble Lord goes on to say:—

“If the Russian troops should advance to the frontier, you must give immediate information to Her Majesty's Government. I trust I need not suppose the case of their advancing beyond the frontier to the attack of the capital. In such a case Viscount Stratford de Redcliffe will be upon the spot, furnished with the requisite instructions.”

Surely, then, if the Secretary of State for Foreign Affairs so early as January in last year thus informs Her Majesty's representative at Constantinople that Russian armies may possibly march, not only to the frontier, but to the capital, he must have had reason for believing that a very serious state of things had arisen. When Prince Menchikoff arrived at Constantinople, Colonel Rose at once warned the Government that great military preparations were being actively carried on by Russia, and that the negotiations with Prince Menchikoff had assumed a very alarming phase. In giving an account of his interview with Prince Menchikoff, he declared that the explanations he received were very far from satisfactory. He admitted that he could not even understand Prince Menchikoff's reply. He asked the Prince to state what the Russian Government meant by these warlike demonstrations. The Prince said, “Our intentions are peaceable, but we shall not disarm, nor will we withdraw our troops”—in fact, giving us to understand that they were ready for any emergency. But I find that, at that period, Count Nesselrode had actually informed the Government that the Emperor intended to back his representations at Constantinople by force if necessary. In a despatch from that Minister to Baron Brunnow, which was communicated to the British Government on the 8th of June, he writes:—

“The Emperor promised to carry his patience and moderation to the utmost extremity; but, in communicating to the Cabinet of London the military preparations which coincided with the open-

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ing of the negotiations, he did not conceal from it that the moment might come when he would be obliged to have recourse to them.”—[No. 236.]

Here, then, we find that, as early as last winter, Baron Brunnow had informed the Government that the Emperor was making military preparations, and would be compelled, in case of necessity, to make use of them to back up Prince Menchikoff's representations. But the Government say that Sir G. H. Seymour received the most positive assurances in direct contradiction to this information and these statements. Surely, however, there was some ground for suspicion. In the commonest affairs of life we do not usually place much faith in a man who, having said he meant to do one thing, is openly doing another. During all that time the Government accepted the assurances made to Sir G. H. Seymour, even in direct contradiction to the very announcement by Count Nesselrode himself, without any formal demand for proof of the pacific intentions of the Emperor. They did not even say, “We are quite ready to believe you; but give orders to disarm; withdraw your troops, and stop your armaments.” Not a word of such language can I find. There is another fact to which I would call the attention of the House. It is important, though not in itself perhaps a great matter, because it shows that we had positive proofs of the falsehoods—I cannot use a milder term—at that time uttered by the Russian Government. We have seen Lord John Russell hinting to Colonel Rose that Prince Menchikoff would demand the dismissal of Fuad Effendi, the Turkish Minister of Foreign Affairs. Now, though Prince Menchikoff did not openly demand his dismissal, although he undoubtedly did secretly, yet he refused all communication with him; and the natural and inevitable result was, that Fuad Effendi himself took the step of resigning. What does Prince Menchikoff say to Reshid Pasha, in a note dated the 19th of April?—

“While desiring to overlook the past, and requiring as reparation merely the dismissal of a deceitful Minister, and the public execution of solemn promises, the Emperor was compelled to demand some guarantees for the future.”

Now mark the direct contradiction in a memorandum from Baron Brunnow to Lord Clarendon, communicated on the 26th of May (a copy of Prince Menchikoff's note, he it observed, having been received by Her Majesty's Government on the 9th):—

“Russia never required, as has been falsely



alleged, the dismissal of this Minister. The resignation of Fuad Effendi was voluntary."—[No. 191.]

Having so many proofs of the double dealing of Russia, I cannot conceive why Her Majesty's Government did not make such inquiries and representations as would have removed all doubts whatever as to her real intentions. Under such circumstances, it need not be a matter of surprise that the Russian Government should congratulate themselves upon their success in cajoling and deceiving the British Ministers. They could not suppress their joy. They must even add to the insult they had inflicted upon us by communicating their delight to the Ministers themselves. In a celebrated despatch from Count Nesselrode to Baron Brunnow, which was officially communicated by order of Count Nesselrode to Her Majesty's Government, we find this remarkable passage:—

"You will assure the Ministers of the Queen, in the most positive terms, that the intentions of the Emperor are still the same, and that all the idle rumours to which the arrival of Prince Menchikoff in the Ottoman capital has given rise" [the occupation of the Principalities amongst them] "are not only exaggerated, but even destitute of any sort of foundation."

Assertions all positively refuted by facts. He then adds:—

"The Emperor desires you to thank Lord Aberdeen and Lord Clarendon very particularly in his name for the salutary impulse which they have recently given to the decisions of the British Cabinet. The former has on this occasion shown us a new proof of confidence, of which our august master is highly sensible."

The Emperor then condescends to say an encouraging word to the young beginner:—

"The latter, with whom our relations have hardly yet commenced, thus enters upon them under auspices which justify us in hoping that they will be of the most satisfactory nature."—[No. 138.]

Not a good word for my noble Friend the Member for the City of London, whose language, I confess, is not always so deserving of Russian compliments. At the end of the despatch there is a very curious sentence. For the convenience of such hon. Members as are not so well acquainted with the French language as they perhaps ought to be, an English translation generally accompanies French despatches in the blue books, and I dare say hon. Members are usually satisfied with reading this translation. But I prefer looking at the original French; and as the passage to which I allude appears to me rather equi-

vocal, I am sure the House will excuse me for quoting it:—" *Sous ce rapport, Lord Aberdeen nous semble avoir parfaitement compris le beau rôle qu'avait à y jouer l'Angleterre.*" In my humble opinion, *le beau rôle* that the noble Earl at the head of the Government is supposed to have so perfectly understood, seems rather ironical. But it would appear that the translator of the Foreign Office had a tender regard for the feelings of the noble Earl; for, turning to the translation, I find the somewhat dubious compliment of Count Nesselrode turned into the more dignified assertion that—"In this point of view Lord Aberdeen appears to us to have fully understood the important part which England had to play." I have been told that it is all very well to say a more decided course should have been taken in the first instance; but, while the Porte was not prepared, Russia was prepared for war. I maintain, that had we assumed a proper attitude, war would not have ensued. However, admitting, for the sake of argument, that war might have been the result, I contend that Russia was not prepared. It is a very different thing saying that a nation is preparing for war and that it is prepared for war. I deny that Russia was prepared. On the contrary, we know that it takes her some time to prepare her armaments; and I contend the fault was, that when Russia was preparing, a more decided course was not taken. On the other hand, I do not hesitate to assert, founding my conviction on the despatches from Lord Stratford, and on my own personal knowledge, that Turkey was not wholly unprepared. I may refer to a despatch from Lord Stratford to Lord Clarendon of the 30th of May, which gives an outline of the preparations already entered into by the Porte, which, in my humble opinion, fully equalled, if they were not considerably more than, any preparations at that time made by Russia. And, subsequently, events proved it; for when all those exaggerated accounts of the Russian forces in the Principalities were dispelled, by the Russians being brought face to face with the Turks, it turned out that they had not 30,000 men; and if Omar Pasha had been allowed, early in the autumn, to take the step which the Turkish Government then wished to take, and which that able commander urgently pressed upon them to adopt, my belief is, he would have driven the Russians out of the Principalities.

But we are told we have gained a great deal by waiting, because Austria was not then with us. Even upon that point I find some very contradictory statements. It appears to me, from the best proof that can be afforded, that Austria was with us; at any rate, we have her assurances that she was so; and, surely, if we were so ready to receive the assurances of Russia, we might have placed equal confidence in those of an old ally. In proof of what I have stated, I trust the House will allow me to read an extract from a despatch of Lord Westmoreland to Lord Clarendon, dated Vienna, June 17:—

“Count Buol declared that he had spared no efforts, in his communications with the Cabinet of St. Petersburg, to induce them to abandon the policy they appeared to have adopted towards the Turkish Government; he had not concealed from them the unfavourable impression it had created upon the sincerest friends of the Emperor, and he had still hopes that these remonstrances might produce their effect. In replying to these assurances, I communicated to Count Buol the despatch from your Lordship of the 7th instant, in which I am instructed to express to him the satisfaction of Her Majesty's Government at his views of the Russian proceedings, and at the course the Austrian Government intended to pursue, as reported in my despatch of the 30th of May; and with the view of bringing more explicitly before him your Lordship's sentiments, I read to him the last-mentioned despatch. Count Buol was much satisfied with your Lordship's expressions; he desired me to state that he considered himself as entirely united with your policy with respect to the Turkish empire; he regards the maintenance of its independence and integrity as of the most essential importance to the best interests of Austria, and he would employ every means in his power to effect that object. He repeated his former declaration, that he would take no engagements with Russia not to oppose her with arms; and he even added, that, should he be called upon to carry out an armed intervention on the frontiers, it would be in support of the authority and independence of the Sultan.”—[No. 277.]

These assurances were given in June. These sentiments are quite in accordance with the true policy and interests of Austria. They do her honour. We know no more at present than is stated in this despatch. It is indeed all we can reasonably require—that Austria will support the independence and integrity of Turkey, even to the extent of armed intervention.

The Russians crossed the Pruth. Now, I remember rising in this House to inquire—and almost apologising for entertaining a doubt on such a matter—whether any formal protest had been entered against this crossing of the Pruth? To my infinite astonishment I can find no protest whatever. At any rate, none appears in

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the blue books as having been formally addressed by the British Government to the Emperor of Russia. There is, indeed, some little talk at St. Petersburg, by Sir G. H. Seymour, about its being very wrong, that it would not do, that it had created a painful feeling in England, but there is no formal protest worthy of the nation. If we did not want open war, surely at that moment the Government might have said, in the most distinct and positive terms, to Russia, “What you have done is a direct violation of treaties, a direct violation of international law, and we enter our formal protest against it.” No protest, as far as I can see, was entered; and Russia was delighted to find that we did not take up the question as a great and powerful nation might have been supposed to have done—that we did not consider it ourselves, or permit the Porte to consider it, as a *casus belli*—that we were still willing to give her time to complete her preparations and to perfect her plans. What wrote Sir G. H. Seymour to Lord Clarendon in September?—

“The chances of a favourable issue are further diminished by the belief indulged (as I know, upon certain grounds) by the Russian Cabinet, of its being impossible that the Turkish armies should hold together until the spring.”—[No. 119.]

Here we find Russia candidly confessing her reason for wishing for delay. It was our utter neglect of the warnings which we had received from all sides—none more emphatic than those from Lord Stratford—that undoubtedly made Count Nesselrode observe to Sir G. H. Seymour, that “he thought war would hardly be undertaken by the Government of a country professing such peaceable intentions, and so manifestly interested in the cultivation of peace, as England.” Of course, that was the natural inference, after Russia had taken all these hostile steps, after she had made all these warlike movements, without any formal protest. I regret that the time I have already taken up prevents me reading to the House several of Lord Stratford de Redcliffe's despatches. They are amongst the most interesting and able documents in the collection of State papers published, and have, no doubt, been amongst those which have attracted most attention from hon. Members. They are full of warnings to the Government against the evil—nay, fatal—effects of their undecided and vacillating policy. I will only quote from one sent home in August. Lord Stratford writes:—

"When at a later period the Russian troops were about to enter the Principalities, I implored your Lordship with increased earnestness to contemplate the Eastern question in all its magnitude, and to pursue a course of policy which would successively enlist every kind of exertion in favour of a triumphant issue."—[No. 70.]

That is but one of these warnings. They are innumerable. I will not trouble the House with more, but merely express my confident belief that the House will agree with me in saying that no exertions have been wanting on the part of Her Majesty's Ambassador at Constantinople to open the eyes of the Government to the danger which then threatened the Turkish empire, chiefly from our own want of decision.

Even when compelled to take any decisive step, the Government still endeavoured to keep the real merits of the question out of sight—you could never be brought to call things by their right names—the sham was carried on to the last. You appear to have been afraid to own what you were really doing. This system of equivocation was persevered in to such an extent that, even when you had up the fleet, instead of boldly proclaiming the reason for that step, you declared that it was summoned to Constantinople to protect British lives and British property. British lives and British property! The fleet was not required to protect British lives and British property. They had never been in danger. Englishmen and English property were, I am confident, as safe in Constantinople then as they would have been in any part of England. Lord Stratford de Redcliffe could not accept this pretence without alluding to it in a despatch, couched, it appears to me, in somewhat ironical terms, not very respectful to the Government. He writes in October to the Earl of Clarendon:—

"I am deeply sensible of the interest so liberally displayed by Her Majesty's Government in the preservation of British lives and property at Constantinople. . . . It is with reference to your Lordship's despatch of the 23rd ultimo, that I express this sentiment, which authorises me to consider the presence of Her Majesty's squadron here, if I thought proper to require it, as intended to embrace the protection of the Sultan also, in case of need."

So, after all, the fleet was not brought up to protect British lives and property, but to protect the Sultan.

I trust I have said enough to show that, notwithstanding repeated warnings—notwithstanding positive facts, brought to the notice of the Government, not by vulgar rumour, but by their own agents—not-

withstanding that Government were then acquainted with a state of things which imperatively called upon them to place themselves in a position to meet any events which might occur, they failed to take those precautions which the emergency required, and to assume that attitude which the honour of this country and, let me add, the interests of peace, required. The Government themselves admit the errors they committed. I judge them by their own confessions. Sir G. H. Seymour, in more than one despatch, apologises for having accepted assurances from the Russian Cabinet, whilst facts were directly at variance with them; and Her Majesty's Ministers themselves are compelled to offer as an excuse for results which they cannot deny, that they placed too much confidence in, and were deceived by, Russia.

I now come to the celebrated Vienna note. It may be in the recollection of the House that I ventured to warn Her Majesty's Ministers last Session against the course they were taking in reference to that celebrated document. I pointed out to them the palpable error they were committing, and the difficulties they were inevitably preparing for themselves. Every prediction which I then made was soon afterwards verified. It was only by the well-known circular of Count Nesselrode, putting the Emperor's own interpretation upon the Vienna note, that this country was fortunately saved from committing a great and manifest act of injustice. I warned the Government that, by obtaining the consent of Russia to that note before they had consulted Turkey, whose interests were directly concerned, and who had to sign the note, they exposed themselves to the danger of having to force upon Turkey a document which might be most detrimental to her. An assertion has since been hazarded by Her Majesty's Secretary of State for Foreign Affairs, that Turkey had been consulted, but when the noble Earl was pressed upon the subject, he assumed a somewhat *non mi ricordo* tone, and admitted that he could not tell whether she had been so consulted or not. The House will, doubtless, remember the career of the note to which I allude, although any attempt to follow the various notes described in the blue books would be difficult enough. With a Constantinople note, and a Vienna note; and a Paris note, and a London note, flying, shuttlecock fashion, backwards and

forwards over Europe, I am not surprised that the noble Earl should be forgetful of the real merits of the question. The point is this—was the Vienna note communicated or not to the Turkish Government or to the Turkish Minister before it was communicated to and accepted by the Russian Government? The noble Lord the Member for the City of London in his speech of last year admitted to the House that the Russian Government had accepted the note, which had then been forwarded to the Porte, and stated that there was consequently every reason to hope that the question would be settled—not mentioning a word about Turkey's acceptance. What was, therefore, our position? why, instead of remaining the allies of Turkey, we became the allies of Russia. The note, whether framed or not by the British Government, was proposed by us. Having been submitted to one party and accepted, we are bound then to make the other party accept it; and so we should, in spite of Lord Stratford and Lord Cowley's remonstrances, if Count Nesselrode's circular had not shown the immense injustice we were about to commit.

It is not necessary to trouble the House with all the despatches which show that the Turkish Government was not consulted. I will only quote two. On the 13th of August, Lord Stratford writes to Lord Clarendon to say that, on receiving his Lordship's instructions (with reference to the Vienna note), he waited on Reshid Pasha, and reminded him of the intelligence which had arrived from St. Petersburg the day before by telegraph, purporting that the Emperor of Russia had signified his readiness to accept that note. Here, then, is proof, in Lord Stratford's own words, that Reshid Pasha had not been consulted, for he (the Ambassador) was instructed to press the acceptance of the note on the Porte. Lord Clarendon, on September 10th, in writing to Lord Stratford, says:—

"Reshid Pasha appears to complain that the Porte was not consulted, and I have to observe that the course previously pursued by the Porte, when a proposal for settlement was submitted to it, appeared to render subsequent consultation inexpedient, as leading only to further loss of time."

Here it is admitted by Lord Clarendon that the Turkish Minister had not been consulted. And yet we have the noble Earl saying in another place that he had every reason to believe that the Porte was

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consulted! although, when pressed a little, he admits that he knows nothing about it! It does appear most extraordinary that the Foreign Secretary, considering the great importance of this question, should be writing on the 18th of October (the month after the Vienna note) to inquire of Lord Westmoreland whether the Turkish Minister had or had not been invited to the Vienna conferences. I will also on this question take the Government's condemnation from their own mouths. They admit themselves that the Vienna note was a great mistake.

I now come to another point. It has been said, "It is all very well to condemn the Government for not taking stronger measures, but we could not get France to go with us." I will prove, by quotations from despatch after despatch, that every proposal to take active and energetic measures, from the very first sending of the French fleet to the Greek waters to the ultimate entry of the combined fleets into the Black Sea, came from France. In a despatch dated the 28th of January, Lord Cowley announces the intention of the French Government to send their fleet into the Bay of Salamis. On June the 7th, Count Walewski communicated to the Earl of Clarendon, a despatch from M. Drouyn de Lhuys, in which he said:—

"We never doubted that, from the moment when the Government of Her Britannic Majesty should share in our apprehensions, common interests, and an equal desire to maintain the integrity and independence of the Ottoman empire in their present condition, would unite the efforts of France and of England for the attainment of the same object. It is in this confidence, which has been so fully justified, that I drew up, by the Emperor's orders, M. de la Cour's instructions, and that I gave to him, under date of March 22nd, authority to call the French fleet to the Dardanelles."

He proposed to Lord Clarendon to give similar instructions. So much for the second step: now for the third. On the 2nd of August, Lord Clarendon, in a despatch to Lord Cowley, writes that, in an interview on the 30th of July,—

"Count Walewski informs me that he had received instructions to propose to Her Majesty's Government that, in the event of Russia not accepting, within a very short time, or not showing herself well disposed to accept, the measures of conciliation submitted to her, the fleets of France and England should, without delay, receive orders to enter the Dardanelles upon the first demand of the Porte. I told Count Walewski that I adhered to the opinion I had several times expressed to him upon this subject, and that I could see no advantage in hypothetical agreements, which would never supersede subsequent discussion and



deliberation between our respective Governments, nor materially influence their decision upon events as they arose."

I confess that the noble Earl's arguments do not appear to me to be of a very intelligible nature. On the 1st of September we find M. Drouyn de Lhuys writing to Count Walewski—

"The Emperor is of opinion that we should no longer delay asking the Porte that our naval forces, without passing the castles, may anchor at the entrance of the Dardanelles."

On the 23rd of September, Lord Clarendon tells Lord Cowley—

"that Count Walewski informed the Earl of Aberdeen (who was present at the interview) and himself that his Government, with reference to the crisis which appeared to be imminent, thought it indispensably necessary that both fleets should be ordered up to Constantinople, and his Excellency added that he was directed to ask for the immediate decision of Her Majesty's Government, in order that no time might be lost in sending instructions to the Ambassadors and Admirals."

And finally, in a despatch from Lord Cowley to Lord Clarendon, dated the 16th of December, we find the French Government proposing that the combined fleets should issue from the Bosphorus, and sweep the Black Sea of all Russian vessels. I say, then, what truth can there be in the allegation that the French were not prepared to co-operate with us, and to take decisive measures? I am perfectly astounded that such an assertion should have been made in defiance of the truth; for when we come to compare dates and facts, we find every proposal, as I have shown, step by step, from the sending of the French fleet to Salamis to the entrance of the allied fleets into the Black Sea, has come from the French Government. And, Sir, as we are now discussing the conduct of the French Government, I trust it will not be deemed presumptuous in me to bear my humble, though hearty, testimony to the extreme honesty, and straightforward and honourable conduct of the French Emperor in all these transactions; and, let me add, of his Minister, because I know in this country doubts have sometimes been entertained whether the Emperor and his Minister were of the same opinion. I find, on reference to the despatches of Lord Cowley, that he affords us the means of contradicting any such insinuation; for, in order to remove all doubt that could possibly exist on the subject, we find him going in person to the Emperor, after interviews with M. Drouyn de Lhuys, and receiving the most distinct

and positive assurances from His Majesty himself that his opinions were strictly in accordance with those of his Minister. I am equally desirous of testifying to the extreme ability which the State documents of that eminent Minister (M. Drouyn de Lhuys) display; and I admit with regret—I may almost say shame—that they do offer a strong contrast to the State papers of the English Government. And while thus speaking of the share which the Emperor and his Minister have had in those transactions I trust I may be permitted to call the attention of the House to another person who has played a very distinguished part in them. I mean Lord Cowley. I do think that my noble Friend has displayed very consummate ability. If any one has come out of them with credit to himself and honour to his country, it is he. He has written but few despatches, but all are to the point. All that he foretold came to pass. The way in which he has managed our relations with the Emperor of the French and his Government in all these difficult and delicate transactions is deserving of the highest praise; and I have the more satisfaction in bringing these facts to the notice of the House as I cannot forget that the appointment, when made, was considered to have been made in a somewhat irregular manner by the noble Lord the Member for the City of London.

Having thus disposed of the excuse that we could not act earlier in a more decisive manner, on account of the want of co-operation of the French Government, I come to a very important event, which has thrown upon us considerable discredit—I mean the unfortunate affair of Sinope. I confess that it appears to me that that affair demands considerable explanation. We are told by a despatch of the noble Earl the Secretary of State for Foreign Affairs that it was not merely an attack on Turkey, but an attack on the honour of England. The Emperor of the French and his Government have declared the same thing with regard to France. I trust, therefore, that the House will bear with me whilst I compare dates with reference to this melancholy event. I have little doubt that they will agree with me in thinking that very full explanations are needed. Lord Clarendon wrote to Lord Cowley on the 7th of October; it must be borne in mind that the battle of Sinope took place on the 30th of November:—

"It, therefore, appears advisable to Her Majes-

ty's Government that general instructions should be given to the Ambassadors and Admirals to employ the combined fleets in whatever manner, and at whatever place they may think necessary for defending the Turkish territory against direct aggression. If the Russian fleet were to come out of Sebastopol, the fleets would, as a matter of course, pass through the Bosphorus."

On the 8th of October, instructions in this sense are sent to Lord Stratford, and Admiral Dundas is directed to inform the Russian Admiral commanding at Sebastopol—

"that if the Russian fleet should come out of that port for the purpose of landing troops on any portion of the Turkish territory, or of committing any act of overt hostility against the Porte, his orders are to protect the Sultan's dominions from attacks; and he was to express a hope that no measures would be resorted to by the Russian Admiral that would endanger the peaceful relations between Great Britain and Russia."

I find, by a despatch to Lord Clarendon, dated November 5, that Lord Stratford, acting, as he appears to have believed, in accordance with instructions from home, had prevented the Porte from carrying out their intention of sending a large fleet into the Black Sea. He writes:—

"I have succeeded in dissuading the Porte from sending a detachment of line-of-battle ships and sailing frigates into the Black Sea at this moment, and, also, in obtaining the transmission of orders to Omar Pasha to postpone any attempt which he may have in contemplation to pass the Danube at the head of his army; and to Selim Pasha on the Asiatic frontier, to keep as much as possible on the defensive for the present. But I cannot answer for the strict execution of these repressive instructions; and I am not without apprehension that such interference with the plans of the commanders-in-chief may embarrass their proceedings, and give an unfair advantage to their opponents. . . . It is impossible not to view with regret and anxiety this prolonged state of vacillation between peace and war. However well meant our efforts may be, it is impossible not to deny the embarrassment which they occasion to the Porte under its present circumstances; and it is, therefore, to be hoped that some manifestations of reluctance at the Porte to continue in a state of such dangerous indecision may be viewed with friendly indulgence."—[No. 252.]

Lord Stratford de Redcliffe, like an honourable man, did what he was commanded to do, and obeyed his instructions by preventing the Porte sending out that fleet which might have prevented the attack at Sinope; but he renounces the responsibility of any such act, and warns the Government of its consequences. On the 12th of December, after the event of Sinope, we have a despatch from Lord Cowley to the Earl of Clarendon, in which he says:—

"Both the Emperor and his Minister are of  
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opinion that the instructions sent to the Ambassadors and Admirals would have justified them in giving material support to the Turkish squadron, had any French or English vessels been near enough to do so."

In a despatch, dated December 4, addressed to the Earl of Clarendon, Lord Stratford de Redcliffe says:—

"Two frigates under Ottoman colours, one of them belonging to a Turkish steam navigation company, have been captured by the Russians, who in their turn have undergone some loss of men."

The House will see, by referring to the despatches of Mr. Guarracino, our Consul at Samsoun, that information relative to the Russian fleet being in the Black Sea was communicated on the 24th of November, on the 25th of November, and again on the 26th of November, to the Embassy at Constantinople; and allowing the utmost time for transmission, it must have reached in time to have allowed the combined fleets to prevent the catastrophe.

So far back as October the Admirals must have been in a position to prevent the attack on the Turkish fleet. What I wish to know is, what became of the instructions sent out from England on the 8th October, which must have reached Constantinople about the 20th of the same month? Why were they not acted upon? Rumours of Russian ships of the line being in the Black Sea had prevailed for some time, and it appears to me that it would have been very easy to have sent a steamer to see whether such were really the case or not. Lord Stratford writes:—

"Rumours of Russian ships of the line being at sea have occasionally prevailed for some time. Uncertainty of information, a wish to avoid as long as possible the chances of a collision, the arrival of a new French Ambassador, and the state of the weather, were natural causes of delay in coming to a decision as to sending the squadrons into the Black Sea at this time of year."

Then, in speaking of the catastrophe, his Lordship says:—

"Our first thought was to send out a sufficient force to Sinope, with the view of delivering the town and port from whatever portion of the Russian squadron might have remained there after the action."

And now comes a most important sentence:—

"The extreme probability that such a measure would have led immediately to war with Russia—a result which Her Majesty's Government are anxious, if it be possible, to avoid—inclined us to take the preliminary step which I have stated above."

Of what use, then, were the instructions to

defend at all cost the Turkish fleet? Were Her Majesty's Government so intent on preserving peace that they would not allow the fleet to go out to prevent that terrible catastrophe, or even to go out afterwards to see what had been done? Why on earth, therefore, I ask, were those instructions sent out to Admiral Dundas on the 8th October? Lord Stratford betrays the secret; they were rendered null and void by this extraordinary determination to avoid collision at any risk and every sacrifice. Was this an honourable way to preserve peace? On the 20th of December the Earl of Clarendon thus writes to Lord Stratford de Redcliffe:—

"I have to state to your Excellency, in reply to your despatch of the 5th instant, that Her Majesty's Government agree in your opinion that a complete inquiry should be instituted into the circumstances which preceded and attended the late fatal occurrence at Sinope; as it would seem, from the reports inclosed in your despatch, that, if timely notice had been conveyed to Constantinople of the Russian force that was cruising off Sinope, the catastrophe which ensued might have been averted by the combined fleets."

I assert that such an inquiry is necessary, and that the country have a right to demand the fullest explanations on the subject from Her Majesty's Government.

I do not pretend to condemn the Russians for attacking and destroying the Turkish fleet at Sinope. They were at war: they declared they were at war, and we knew they were at war. On their side there were no shams and idle pretences. They were engaged in hostilities against Turkey, and had a right to avail themselves of every occurrence which gave them an advantage over their enemy. I condemn the affair at Sinope, because I believe it to have been a most barbarous and unnecessary massacre. Lord Stratford de Redcliffe says it was accompanied by most uncalled-for acts of barbarity, and any British officer will tell you that the Turkish vessels, greatly inferior in numbers and in size to those of the Russians, might have been captured without half the slaughter. And so they would have been had they been attacked by a brave and generous enemy! To show the extreme barbarity with which the Russians acted, I may mention an incident which I have from a good source, and which deserves being brought to the notice of the House. After the battle had ceased, and the unfortunate Turkish vessels had been all sunk, the Russians manned their yards to celebrate their ill-gained victory. Spying

a few miserable men still clinging to the floating masts and spars to save their lives, they sent boats to pick up those who were still in a state to swell their triumph at Odessa, and then, loading their guns with grape, they swept away the rest from the wrecks. What a contrast to this act of brutality was afforded by the noble conduct of the commander of a Turkish frigate, who, when he saw there was no choice between death and dishonour, gave leave to all those who wished to quit his vessel to go on shore, and then, to prevent his orders being disobeyed, put the torch himself to the powder magazine and blew up his ship! Talk of this being a war in the cause of Christianity! it is not hard to say who have behaved most like infidels!

I have now gone through the principal questions connected with this most important subject, and I think the House will agree with me that I have made out my case. Her Majesty's Government must admit it, as I have quoted their own words. I take their condemnation out of their own mouths. They have admitted, that every step which they took was a mistake from the very beginning. With regard to the way in which they ought to have dealt with these difficulties in the first instance, and when there was still time to preserve peace, they own that they were completely deceived by Count Nesselrode's assurances. As to the manner in which they ought to have conducted the negotiation, they admit that the Vienna note was a great error; and with respect to the mode in which they ought to have met hostilities when war commenced, they declare that the affair at Sinope demands a searching inquiry and full explanation.

Having thus passed in review the past conduct of Her Majesty's Government, I now come to what is really at this moment the most important question—what are the Government going to do? We are told that we are not at peace, that we are not at war, and that we are not neutral. This situation does certainly seem most anomalous; but, in order to show that it is not quite novel, the noble Earl at the head of the Government cites the state of the relations between Turkey and the great Powers at the time of the battle of Navarino. It does certainly appear to me that this is a very extraordinary analogy to make. It is clear that we are not in the position that the great Powers were then; we must, therefore, be in the position that Turkey occupied at that period. I ask

any man in his senses whether, if Turkey had been a strong Power, she would have received that insult—the destruction of her fleet—without declaring war? Why did she not declare war? Because she dared not. If the noble Earl's simile, therefore, means anything, it is that Russia has insulted us, and we are too weak to resist the insult. But I will willingly seek another cause for this anomalous state in which we now are, and I have no difficulty in finding it. Ministers are still hoping that some unexpected and providential event may lead to a patching up of the differences between Turkey and Russia. I am as anxious as any one that means should be found to preserve peace, if that peace can be concluded on terms consistent with the honour and interests of England, and with the full redress of the wrongs which Turkey has suffered. But I have, unfortunately, no difficulty in knowing what those terms would be after the acknowledgment made by the noble Lord, two nights ago, that the letter published in the French official paper, and purporting to be from the Emperor of France to the Emperor of Russia, was a genuine document, that it had been submitted to the English Government before being sent, and that Her Majesty's Ministers agreed to its contents. Now, the terms offered to the Czar appear to be, that there shall be a simultaneous withdrawal of the Russian troops from the Principalities, and of the combined fleets from the Black Sea, and that Russia shall negotiate with Turkey alone. These two admissions appear to me to include the very principles for which we have hitherto been contending. Her Majesty's Government have declared, that our fleet has not gone into the Black Sea with any hostile intention, and therefore we are not in the same position as Russia. As, however, no one can deny that we have committed an act of hostility by entering the Black Sea in the manner we have done, I will not press that point. But as to the proposal to concede the claim of the Czar to negotiate alone with the Porte, why, anybody who is acquainted with the relations between Russia and Turkey, is aware that this is the point for which Russia has contended from the earliest times. It is what she has always insisted upon—that no European Power has any right to prevent her from interfering with the affairs of the Porte. It is by this claim that she has hitherto prevented Turkey from being taken into the family of

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European nations; and we know that to maintain this arrogant pretension, she contrived to exclude Turkey from those negotiations which led to the treaty of Vienna. No longer ago than the 19th of November, Sir H. Seymour wrote, that "Count Nesselrode wished to remind him, that there was no instance of a Turkish plenipotentiary having taken part in deliberations having an European character." And on the 2nd of January of this year, he declared that Russia "would never suffer any power to interfere between herself and the Porte, as it would be contrary to the practice which had prevailed for the last century, were they to negotiate otherwise than directly with the Sultan's Government." This is the most vital point with Russia. If she had been allowed to negotiate alone with Turkey, she would have gladly given her better terms, and the affair would have been settled long ago. True, it is declared that any convention between Turkey and Russia is to be submitted to a conference of the representatives of the four Powers. But can any one doubt that every effort will be made, by bribes and threats, to compel the Turkish Plenipotentiary to consent to a disadvantageous agreement, and, if we venture to resist it, we may be involved in a war such as we are now trying to shuffle out of. Sir, nothing is said as to existing treaties and the *status quo ante bellum*. On the contrary, we are led to believe that the Government are ready to negotiate on the footing of existing treaties and the *status quo ante bellum*. Sir, if I know anything of this country, if I know anything of Englishmen, after all the sacrifices we have made, and the losses to which we have been exposed—after all the blood that has been shed, and after all Turkey has suffered, in consequence of these Russian aggressions—they will not permit the Government to open negotiations on such a footing. Sir, I would oppose Ministers were such to be the case, in every way my humble means and abilities would permit;—and I am sure that there are those in this House who would help me. What are these treaties? Why, they are the very treaties which have given rise to all these difficulties—those which Count Nesselrode cites as the basis of his demands. Interpret them as you like; he has told you what interpretation Russia puts on them. He declares that the treaty of Kainardji gives Russia what she claims. Are you then to con-



cede to Russia the power of putting her own construction on those treaties? Are you to renew those treaties which have given rise to all this mischief, to all these pretensions, and which have brought Europe to the brink of a war? What was the *status quo ante bellum*? The power of Russia to interfere in the Danubian Principalities to the extent of an almost admitted sovereignty over them—to shut out from the Black Sea all fleets except her own, converting it into a *mare clausum*—her arrogant domination over Circassia on the most unjustifiable grounds—her exclusion of our commerce from the whole of that coast—the monopoly of the navigation of the Danube. Such was the *status quo ante bellum*.

As I have alluded to the claim of Russia with regard to the Danube, I cannot help reminding the House that last year I ventured to ask the noble Lord the Member for the City of London whether the information was correct as to Russia's having impeded the navigation of that river? I did not ask that question from any desire of bringing myself to the notice of the House, but because it was necessary at that time to show that Russia was acting upon a great system, of which the obstruction of the Danube to the commerce of foreign nations was a part. The noble Lord replied, that it was very true the navigation had been impeded, in consequence of an overflowing of the waters, but that Russia had nothing at all to do with it. An hon. Member on the other side of the House, not being satisfied with this answer, rose two or three nights after and repeated the question. The noble Lord was absent, and the Government was fortunately represented by another noble Lord, who is remarkable for the lucid and straightforward manner in which he replies to such questions, and for his boldness in speaking the truth even when Russia is concerned. My noble Friend the Member for Tiverton (Viscount Palmerston) at once, in a most masterly manner, gave the House a whole history of the matter. He told us that for months—nay, years—we had been remonstrating against the proceedings of Russia on the Danube; that through her wilful neglect the mouths of that river had been silted up; that as long as Turkey had possession of them they had been kept open for our shipping. The statements of the noble Lord were completely confirmed by the papers which were

afterwards laid on the table. I submit that if a Member rises to put a serious question to Ministers, he should not be treated in the manner I have described. If the question be an idle question, it is but right that it should receive an idle answer; but if it be asked for a good and useful purpose, it is but right that it should be answered in a straightforward manner.

To return, Sir, to the *status quo ante bellum*. I maintain, that if the Government consent to return to the former state of things, we shall be in a far worse position with regard to Russia than we have ever been. As negotiations proceed, Russia appears to increase her claims. Every fresh proposal she makes is worse than the last, and it would really seem that the Government, thinking that she cannot well go further, is now ready to accede to her demands. Sir, after all we have endured, after all the blood that has been shed, unless we wish to have that blood upon our heads, and to render all the sacrifices that Turkey has been called upon to make of no avail, we are bound to carry the war in which we have embarked to a satisfactory issue, and we must have some palpable and tangible results from it. Among these results we must have the destruction of the existing treaties and of the *status quo ante bellum*. Russia must no longer have it in her power to interfere in the internal administration of Turkey, and thus to endanger the peace of Europe. Until Moldavia, Wallachia, and Servia are freed from the dangerous protectorate of Russia—until the navigation of the Danube is completely thrown open—until the Black Sea is no longer a *mare clausum*—until Circassia is declared free to our trade—until the passes of the Caucasus are closed against the entry of Russia into the centre of Asia—and until the Emperor can no longer claim the right of protecting the Christian subjects of the Sultan—no peace with Russia can be otherwise than dishonourable, or can but lead sooner or later to the very evils which we are now going to war to avoid. As long as Russia retains her present hold upon the Danubian Principalities, she can at all times exert her pernicious influence upon the Christian population of Turkey. I have no fear of a Russian invasion of India; but you must remember that, as long as Russia holds the Caucasus, she possesses the high road into Central Asia, and that she can bring her influence and intrigues to bear upon our

Indian population, rendering any other tenure than a military tenure impossible in India.

I have been told that it is impossible for Mussulmans to rule over a Christian population in Europe, and that, whether they have justice on their side or not, they cannot be tolerated any longer. I must confess that I heard this remark from the hon. Member for the West Riding with great surprise, for it applies in one of two ways. If it infers that a numerically smaller race should not rule over a larger race from which it differs in religion—that there is some universal law against such a state of things—then I ask what do you say of our tenure of India? If I understand the hon. Member to mean that Mussulmans are placed beyond the pale of the law, and are to be considered the lawful prey of Christians, then what becomes of his eloquent declamation in favour of the oppressed races of India—not only Mussulmans, but Pagans? how can he object to what he has termed the massacres in Burmah and Borneo? I know that a very humble work which I have had the honour of publishing has been quoted against me, as proving that the Turks are unworthy to govern. But the statements that work contains require some explanation. The Nestorian massacre, it must be remembered, was not committed by the Turks, but by rebel Kurdish tribes; and the Porte waged a costly war against their chief, Beder Khan Bey, to punish him for this very massacre. The three wars in which the Porte has been engaged of late years have been in defence of the Christians. The war in Albania was undertaken because the inhabitants had committed atrocities on Christians. The war in Bosnia was entered into for the purpose of compelling the Mussulmans of that province to admit Christians to the rights granted to the other Christian subjects of the Sultan, but which had not before been enforced in Bosnia, owing to the peculiar nature of the tenure of land and the opposition of the feudal landowners. After a severe struggle the campaign was brought to a successful issue by Omar Pasha.

No doubt barbarous acts of oppression are committed in Turkey. I have unfortunately too often witnessed them myself. No man regrets them more than I do, and no man has endeavoured to do more to prevent their recurrence. But one thing I will say, that, whenever such cases have

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been brought to the notice of the Sultan or of his Ministers, immediate redress has been afforded, and no one who has had communications with the Sultan, or with many of those men who have of late years been his advisers, can be ignorant of his humane and enlightened character, and his desire to place all his subjects on the same footing of equality. Look what a vast change has taken place in Turkey during the last fifteen years. We all remember the glowing description given last year by the noble Lord the Member for Tiverton of the improvements which have been going on in that country. I cannot perhaps go quite so far as my noble Friend did on that occasion, but still I must say that there has been very great improvement. When I consider that the Turkish Government has to deal with a great variety of races, professing different religions and speaking different languages, I cannot but wonder at what has been effected, though admitting that much more remains to be accomplished. Talk of Russia! Why, she has been endeavouring to advance ever since the time of Peter the Great, and yet is far behind Turkey in many respects, although the Government has far better materials to work upon, in a compact people without any great differences of religion, and looking upon their Emperor as a God upon earth, who has only to order to be obeyed.

Look next at our trade with Turkey. Its increase has been almost incredible; in that respect no nation can be compared with her, for it has increased within little more than ten years from half a million to three millions. I am told that much of this trade is not actually carried on with Turkey, but through Turkey with Central Asia. Undoubtedly it is. But I ask why did not that trade exist before? Because we had not the liberal transit-dues now levied by the Porte, and the encouragement and protection of late granted to our merchants. To these causes we owe this enormous increase. If you allow the Sultan to proceed with his reforms, and will save him from the interference of Russia, hostile to all Turkish intercourse with Europe, and to all internal improvements, our trade will be increased in a still greater ratio. The same remark applies to the trade of France. Look, again, at the increase of wealth among the Christian subjects of Turkey. We hear much of the great prosperity of the Greeks—of their

commercial establishments scattered over the world from New York to Calcutta—of their activity and enterprise. But are they the Greeks of Greece? No; they are the Greeks of Turkey, and owe their prosperity to protection and immunities they have enjoyed under the rule of the Sultan. Another most important feature in Turkey is the toleration extended to all religions. I stated last year that one of its consequences was the increase of Protestantism, and that it was mostly to check this growing spirit of religious inquiry that Prince Menchikoff was sent to insist upon the Emperor's claims to the protection of the subjects of the Sultan professing the Greek religion. I find this statement fully confirmed by Lord Stratford in one of his despatches. The jealousy of Russia extends equally to Catholicism.

We are told that the time is come when we must put the Greeks in the place of the Mussulmans, and that the Byzantine empire must be restored, with its seat at Constantinople. It is high time for the House to become aware how preposterous is such an idea. Where do you find the Greeks? I stated last year that there were a million and three quarters of Greeks in the Turkish empire, but I now learn from the most authentic sources that they do not exceed a million. Are we to set up such a miserable sham of a constitutional Government at Constantinople as that which exists at Athens? Are you to transpose the present Royal Family and its Greek Ministry to rule over the various races which inhabit the Turkish provinces in Europe? Would you have the country more quiet, or would its inhabitants have less oppression and injustice to complain of? Would not the different races cut each other's throats in a ten times greater degree than they ever did under the Turkish rule? I do not stand here to defend a religion which is repugnant to my feelings and common sense, and which I believe to be false; but I do maintain that there are times when even the question of religion merges in that of right and wrong—justice and injustice; and that we are bound in this instance to consider the great cause of truth, without reference to the Mahomedans or to sects of any denomination. I am no advocate for the Turks. Find those who will govern better and are ready to be put in their place, and I am as willing as any man to see the change made, if it be for the benefit of civilisation and humanity. Another argument has been put forth in

another place by a noble Earl (Earl Grey) for whose talents and knowledge I have the greatest admiration. He says it is a great pity that we ever interfered at all, that we should have allowed Russia to exact what terms she liked from Turkey, and that she might even have taken possession of the Ottoman empire, as it is against the law of nature that despotic nations should exist, as they contain in themselves the elements of decay, and that Russia will consequently fall to pieces of her own accord. Now, it appears to me that this is a most dangerous doctrine. Where are you to stop Russia? Is she to go on taking the whole world? I am ready to admit that no Government whose institutions are based upon despotism, upon principles which are inconsistent with human intelligence, can eventually maintain itself. I have a conviction that it must ultimately fall to pieces. But, unfortunately, there is a question of time; we must consider how much evil such a system may produce to mankind before it perishes of itself. Had I lived in the time of the invasion of the Goths, the Vandals, and the Huns, I might have foretold that those tribes could not introduce their barbarous manners and institutions into Europe; that they would inevitably in the end be either destroyed or absorbed into the more civilised races of Christendom. But before that took place, with what blood did they not deluge Europe! How many centuries did they not throw back the civilisation of mankind! So it may be with Russia. She may eventually fall to pieces. I am convinced she will; but remember that in the meanwhile she may cause incalculable evils to mankind, and may inflict a blow upon the liberties and civilisation of Europe from which it may take centuries to recover. If we wish for an example of the effect of Russian domination, let me only turn to the inhabitants of the two unfortunate provinces of Moldavia and Wallachia, which are declared to be under her protection against Turkish tyranny. Let me ask whether it had not been better for these men had they never been born than to have fallen under Russian rule? I consider the argument, however ingenious, to be most dangerous.

I must be allowed now to say a few words on a very delicate subject. I approach it with some degree of reserve; but I feel it necessary, when we are about to engage in a great contest, that there should be no concealment. The House will remember our want of success in the early period of

the Peninsular war—the example of Moore, the struggle between the Duke of Wellington and those at the head of affairs. We have seen in the papers on the table that disagreements of a very unfortunate nature have taken place between our Ambassador and Admiral at Constantinople. I do not say this in any invidious spirit, for the same differences exist between the French Admiral and Ambassador. But I do think that this country has the right to ask that these disagreements should cease, that the instructions of those who have charge of our diplomatic relations, and those to whom are confided our naval and military operations, should be perfectly clear and distinct. This has become the more necessary now that we are about to send to Turkey an auxiliary land force under a general officer. It rests with Her Majesty's Ministers that such should be the case. I perfectly agree with what my noble Friend the Member for the City of London stated the other evening, that the duties of those authorities should not clash; that those which the Admirals were called upon to perform were of a strictly professional nature; and that, being responsible for their proper discharge, it remained with them to judge in what manner their instructions were to be carried out. But when I understand from various sources, upon which I place the fullest reliance, that these disagreements have become matter of public notoriety in Constantinople, have got—I am sorry to be obliged to use the word—to a scandalous extent, and given rise to very painful impressions, I think it is but due to the country and to the cause in which we are embarked that means should be taken to prevent their recurrence.

Sir, I have thus brought to the notice of the House what appear to me to be the most important topics connected with this momentous question. I feel that I have trespassed too long upon the attention of the House, and I am deeply grateful for the kind indulgence which has been granted to me. I trust that we shall now hear such a statement from one of the Ministers of the Crown as will remove all further doubt as to the position we are really in. The country has a right to demand it. The country is prepared to do its duty if Her Majesty's Government will but perform theirs. But one feeling prevails amongst men of all classes—not arising from what my hon. Friend the Member for Manchester has termed “the innate belligerent spirit of Englishmen,” but from far

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higher and nobler feelings—the conviction that we are about to be engaged in a great struggle in support of right against wrong, and for the maintenance of principles upon which our material interests, as well as the cause of civilisation and liberty itself, may depend. It was with such feelings that, with a general burst of unpremeditated enthusiasm, those brave men who marched a few days ago on their way to embarkation for foreign service were followed through the streets of London. All were animated with the same spirit—those who were going out to shed their blood in a just cause, and those who, with true British heartiness, marked their approbation of the policy which sent them forth. Let the Government be true to the cause in which they have now entered; let them resolve to carry it to a speedy and satisfactory issue in a manner worthy of the honour and interests of England, and they will receive the undivided support of this great country. For myself, I hope never again to recur to the painful topics which I have considered it my duty to bring before the House this evening. I am willing to forget what has passed in my hopes for the future, and it would ill become me, and those who think with me, if we did not, in such a crisis, tender to Her Majesty's Ministers our humble though very cordial support.

SIR JAMES GRAHAM: Sir, I rise at once to follow the hon. Member for Aylesbury; but, before I address myself to the topics of his able speech, I think it my duty to answer those observations that he made just before he sat down. I, on the part of Her Majesty's Government, am not disposed to throw myself and my colleagues upon the forbearance or indulgence of the House. I appeal to its wisdom and to its justice. We on our part are prepared to perform our duty. I hope the House of Commons will not fail to perform its duty. If we have forfeited their confidence, or deserved their censure, it is not on the question of going into Committee of Supply, or by a sidelong communication of disapprobation, that the House ought to proceed, but, upon issue fairly joined, we should be enabled to ascertain whether, with advantage to the State, possessing the confidence of the House, we can continue to conduct public affairs, or ought to deliver them into other and abler hands. I beg leave to state that I am extremely glad that before we proceed to vote the Navy Estimates, I am not called upon, as I was in the early part of the evening, to



discuss whether the assistant-surgeons shall mess in the cockpit or the ward-room—that I am not called upon to discuss whether rum or whisky is the more healthy and palatable spirit. It is not to minute questions of that kind that your attention is now drawn; but, in a great crisis of public affairs, the question is fairly raised in a very able speech—What has been the conduct of the Government in the negotiations which have taken place, what is their intention, and what is their policy? Now, I must say that the tone of the hon. Gentleman is that of an accuser. He has said most distinctly, and repeated it, that he has made out his case. He went on to say that if we had adopted a straightforward policy we should not be in the position in which we now are; and he talked of the excuses which he thought we should use. Now, I am not prepared to offer any excuses, nor am I prepared to admit that the position of this country by our vacillation, as the hon. Member has termed it, or by our hesitation in failing to adopt a straightforward course, is involved in any danger or any risk. I say that the Government have done their very utmost to perform a solemn duty—to preserve the peace, if they could possibly attain that great object consistently with the maintenance of the honour, of the country, and up to the present time we have succeeded. Now, Sir, the hon. Gentleman first alluded to the state of affairs in the early part of last year, and referred particularly to a despatch written by my noble Friend (Lord J. Russell) in February last. I wish to call the attention of the House to the policy at that time pursued by the British Government. The disputes at Constantinople had turned upon a question pending between Russia and France with respect to certain privileges claimed by both countries at Jerusalem and the Holy Sepulchre, and my noble Friend wrote a despatch which is well worthy the attention of the House. It did not appear to Her Majesty's Government that it was prudent on the part of Great Britain to take an active part in that controversy; and my noble Friend, in the despatch to which I refer, wrote thus:—

“We should deeply regret any dispute that might lead to conflict between two great Powers of Europe, but when we reflect that the quarrel is for exclusive privileges on a spot near which the heavenly host proclaimed peace on earth and goodwill towards men—when we see rival Churches contending for mastery on the very

place where Christ died for mankind, the thought of such a spectacle is melancholy indeed.”

It was clearly not the interest of England at that time to interfere, and it is very remarkable that it was by the influence of the British Ambassador, Lord Stratford de Redcliffe, that Turkey was persuaded to make arrangements which were satisfactory both to France and Russia with regard to the matter in dispute. By the influence of England was terminated that controversy which threatened destruction to the independence of Turkey. After that matter had been adjusted, a message was sent by Russia to Turkey, through the medium of Prince Menchikoff, in a manner highly menacing, and which led Colonel Rose, at that time representing the English Government at Constantinople, to entertain very serious apprehensions with reference to the intentions of Russia. Colonel Rose accordingly sent a despatch to Admiral Dundas, then commanding the English fleet at Malta, summoning him to hasten to the Dardanelles, and it is alleged that there was some hesitation on the part of England in not at once coming to the rescue of Turkey when her independence was first threatened. Now, how does the matter stand? Admiral Dundas, exercising, as I think, a sound discretion, did not at once obey the summons of the British Envoy at Constantinople. Did Turkey suffer any inconvenience on that account, or was she subjected to any inconvenience by the hesitation of Admiral Dundas in obeying the summons of our Minister? So far from it, that very shortly afterwards Colonel Rose, who had summoned Admiral Dundas to Constantinople, expressed his satisfaction that Admiral Dundas had not obeyed his summons—that he had not appeared in the Dardanelles; and Lord Stratford de Redcliffe, on his arrival, received the assurance of the Sultan that, far from regretting the delay in the appearance of the British fleet, he was convinced the absence of the fleet had been conducive to the advantage of the Turkish interests. The hon. Gentleman proceeded to observe that too much reliance had been placed upon Russian assurances, and he, I think, from the strong terms of censure he used, appears to think that the head of the Government is more particularly responsible for that misplaced confidence. Now, I can assure the House that there is no one of the colleagues of my noble Friend Lord Aberdeen who is not prepared fully to share all the responsibility of the

course which was taken, and it would be most unjust to my noble Friend if it were not so. True confidence is not a plant of rapid growth, but, at the same time, dark and malignant suspicions do not quickly take root in generous minds; and it must not be forgotten that for a long series of years Russia was the ally, the faithful ally of this country—that she has shared in our dangers, partaken in our counsels, and that on many great occasions she has taken part in the victories and the struggles which have conduced to the honour of England and to the peace of Europe. It was not unnatural, therefore, when we received these assurances of Russia's pacific intentions, and of the absence of any desire on her part to invade the independence and integrity of Turkey, that we should place confidence in assurances which were given solemnly and repeatedly. But how stands the fact with respect to dates and with regard to our determination when Prince Menchikoff left Constantinople, after having assumed a tone and put forth demands which were utterly inconsistent with the independence of the Turkish Government? From that moment the suspicion, and more than the suspicion, of the Government was aroused; and if hon. Gentlemen will look to the dates, they will see that the English fleet was ordered to be sent to Besika Bay on the 31st of May, while the Danubian Principalities were not entered by the Russian forces till the 7th of July. Again, are we always lagging behind, for that is the nature of the accusation which the hon. Gentleman has brought against us? Why, by looking at the dates again, you will see that our fleet was ordered to Constantinople on the 23rd of September, while the Porte did not declare war until the 26th. The order for the fleet to proceed to Constantinople was actually given in London before the Porte had declared war. The hon. Gentleman dwelt at some length on certain expressions in that despatch which ordered the fleet to enter the Dardanelles. But the hon. Gentleman is perfectly aware that by the obligations of the treaty of 1841 it was not open to the British and French fleets to pass the Dardanelles till the Porte had declared war. But feeling the necessity of making a demonstration on the earliest possible day, believing that the presence of the British fleet was necessary at that time for the protection of the Turkish Government, and relying on his belief that the Turkish

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authorities would issue the necessary firman for the admission of the fleet into the Dardanelles, he directed the British Ambassador to send for the fleet, and the fleet proceeded to Constantinople.

And now with respect to the order for the ships being sent into the Black Sea. The hon. Gentleman has dwelt upon the disastrous affair of Sinope, and he thinks it might have been averted if the fleet had entered the Black Sea at an earlier period, and he went on to state that every step in advance on our part was taken at the instance of France, that this country never moved actively and decisively of its own accord. How stands the fact? The order of Lord Stratford de Redcliffe to Admiral Dundas, to enter the Black Sea, was given, if I mistake not, on the 11th of November. Unfortunately, at that moment M. de la Cour, the French Ambassador, who concurred in that order of the 11th of November, was about to leave Constantinople, a circumstance which appeared to the French Admiral to justify his hesitation in obeying the order, on account of the change in the diplomatic authority that was about to take place, and he accordingly demurred to obey the order of the French Ambassador, and declined to go into the Black Sea at that time. General Baraguay d'Hilliers succeeded M. de la Cour. On his arrival he concurred with the orders given by his predecessors, but, notwithstanding this, the French Admiral, on other grounds—on purely naval grounds—refused at that time to go into the Black Sea, though Admiral Dundas was willing to obey the order of the British Ambassador. Then the hon. Gentleman proceeded to say that the disaster at Sinope was to be ascribed to a want of energy on the part of the naval powers. How stands that fact? Who is to blame? Is there any doubt as to the party on whom the blame rests? The authority of Lord Stratford will probably be held to be conclusive on that point, and, if the House will allow me, I will read to them his opinion. In the despatch, No. 371, Lord Stratford, writing from Constantinople on the 17th December, 1853, says:—

“ I cannot indeed conceal from myself that the late destruction of so many Turkish vessels at Sinope would, probably, never have occurred if the ships of England and France had been sent thither at an earlier period.”

But what is the noble Lord's next observation?—

“ Not that I would throw the blame of that

disaster anywhere but on the Porte and its officers. They alone, or their professional counselors, were cognisant of the miserable state of the defences at Sinope. They alone are answerable for the obvious imprudence of leaving so long in helpless danger a squadron exposed to attack from hostile ships of far superior force. But referring to the simple fact, irrespective of its causes, I am naturally anxious that the loss of the example should not be added to that of the ships."

It is clear from this that Lord Stratford himself, the very highest authority, says distinctly that the disaster at Sinope is to be ascribed to the imprudence of the Turkish authorities, who neglected the repeated warnings as to the danger that would accrue from leaving the ships in their defenceless position at Sinope; that it was to that circumstance, and to that alone, the disaster was to be ascribed.

The hon. Gentleman referred also to a document which has been much dwelt upon elsewhere—I allude to the Vienna note; and he ascribes great blame to the Government for the rashness with which that note was adopted by the British Cabinet. Now, let it be observed that that note was not suggested by the English Government; it was the suggestion of the French Government. It was adopted—readily adopted by the Conference at Vienna, and after some alterations suggested by the British Government, it was finally adopted and recognised by the four Powers. And it is said that that course was adopted without any reference to the constituted authorities at Constantinople. I will explain to the House why that was done. On the 9th of July, it was known here that the Turkish Government, acting by the advice of Lord Stratford de Redcliffe, had consented to frame a note, formed partly from the note of Prince Menchikoff, which had been as a whole rejected, and partly from the answer to that note framed by the Turkish Minister; and the two notes, so compounded into one, were entirely to the satisfaction of the Turkish Government, containing all they desired. Now, if hon. Gentlemen will compare that note, so compounded with the Vienna note, suggested by the French Government, and adopted by England and by the four Powers, it would require a very acute eye to detect any substantial difference between the two propositions. We did not, therefore, adopt the Vienna note till the Turkish Government were prepared, as we thought, to adopt a note which in its substance was identical with it. But from the moment the Vienna note received the interpretation which was put upon it by

Count Nesselrode, from that moment the English Government declared, in the language of Lord Clarendon, that the whole matter had assumed another phase—that it would be unworthy of this country, after the interpretation which Russia had put upon the note, to force it, either in form or in substance, upon the Turkish Government; they repudiated it absolutely, and they acted at once upon the clear ground that the intentions of Russia were hostile to the independence of Turkey, and that, under pretext of protecting a portion of her co-religionists in Turkey, she really sought to exercise a civil protectorate and control over a large portion of Turkish subjects. What was the consequence? We issued an order, dated the 8th October, which gave absolute power to Lord Stratford to defend the territory of Turkey, and, if necessary, to cause the British fleet to pass the Bosphorus into the Black Sea, for the purpose of defending the Turkish territory. The Russian aggression at Sinope followed; and what was the course that was immediately taken by the British Government? On the 24th December we sent out an order to Lord Stratford extending our protection of the territory to a protection of the flag also of Turkey; and, further, we ordered that no Russian ships of war should be allowed to remain in the Black Sea; that if any were met with, they were to be desired to return to Sebastopol; and if they would not obey, that force was to be used.

MR. LAYARD: What was the date of that order?

SIR JAMES GRAHAM: The 24th of December. The disaster at Sinope happened on the 30th of November; the account of the disaster was received on the 17th of December; and the orders for the fleet to enter the Black Sea, in order to protect the Turkish territory and the Turkish flag, were issued on the 24th of December.

MR. LAYARD: No; on the 8th of October.

SIR JAMES GRAHAM: No; the order of the 8th of October was confined to the protection of the Turkish territory. Immediately after the receipt of the interpretation which Count Nesselrode put upon the Vienna note—when the mask was thrown aside, and when no doubt existed that the real intention of Russia was to establish a civil protectorate over the subjects of the Sultan—immediately after the receipt of that note, the delusion, if

delusion it may be called, arising from false assurances, ceased, and the order of the 8th of October was sent out. After the disaster at Sinope that order was carried one step further, and the order was given that the Russian ships should no longer be allowed to navigate the Black Sea. Then the hon. Gentleman asks what has been the result of all this. I will tell the hon. Gentleman. In the first place, we have avoided war up to the last moment. In the next place, we have formed a cordial union with the French Government; and I cannot omit this opportunity of expressing my cordial agreement with the hon. Gentleman in his opinion that, throughout all these arduous transactions, through all these complicated negotiations, perfect good faith has been observed by the French Government, and especially by the Emperor at the head of it, whose conduct throughout has been most exemplary. I hold it to be only discharging a debt of justice to express this opinion, and to state that we have not the slightest ground of complaint in any one particular against France. We have, then, cemented the union between France and England. Have we done nothing more? We have succeeded in combining Austria and Prussia with us in the most important of these transactions. Some doubt has been thrown out as to the exact meaning of the Vienna note. That question is immediately connected with another subject, on which the hon. Gentleman touched, and the question arises, what is the true interpretation of the old treaties. What were the engagements which Turkey had contracted by the treaty of Kainardji? Turkey rejected the Vienna note, putting her own interpretation upon those engagements; Russia, by Count Nesselrode's comments, put her interpretation upon them in an opposite sense. Turkey interpreted those engagements in consistency with her independent rights and integrity. Russia put another interpretation upon them, inconsistent with the independent rights and with the integrity of Turkey. Is it no advantage that we have obtained the concurrence of Prussia—that we have obtained the concurrence of Austria—and that we have obtained the efficient combination of France and England in support of that interpretation of the old treaties which Turkey herself put upon them, and in absolutely repudiating the Russian interpretation? All this we have succeeded in doing, while we have up to this moment succeeded also in maintaining peace;

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and, what is more, we have obtained the consent of Austria and Prussia to the declaration that the terms offered by Turkey are reasonable terms. More than that, we have obtained the concurrence of the four Powers to the declaration that the terms are such as ought to be accepted by Russia; and further, we have obtained the concurrent declaration of the four Powers that the counter-project of Russia, rejecting those terms, is inadmissible. We have cemented the union with France—we have obtained the concurrence, in addition, of France, Austria, and Prussia—we have obtained their assent to a new engagement that the independence and the integrity of Turkey ought to be preserved—that the terms offered by the Porte are reasonable—that the interpretation put by the Porte upon the treaty of Kainardji is correct—that the interpretation put by Russia upon the same treaty is ill founded, and that the counter-project of Russia ought not and cannot be accepted. And not only have we cemented our union with France—not only have we combined Austria and Prussia with France and England—but we have insulated Russia. She stands alone. That which at the beginning of 1853 was a quarrel between Russia and Turkey has now assumed the aspect of Russia contending against Europe united; and I must say, that to have obtained all these advantages, with war not yet declared, appears to me, I will not say the triumph of diplomacy, but a great advantage. [*Laughter.*] That does not seem to be the opinion of hon. Gentlemen opposite. Well, let me entreat them not to deal with this as an ordinary question of going into a Committee of Supply. Let them raise the question fairly and distinctly. If we have misconducted the question—if the honour of the country has been sacrificed in our hands—I repeat that that question is not one of a trifling nature. If hon. Gentlemen opposite think that we are unfit to conduct these transactions, let them say so, and say so manfully. Do not let them weaken the hands of Government, while they continue to entrust us with the management of these affairs. Well, then, let me proceed further and state what we have done. I say we are ready for war. We are prepared. France, too, is prepared. Russia has not yet crossed the Danube. There is not a Russian ship of war now navigating the Black Sea (which has hitherto been treated by her as a *mare clausum*), and England has declared that,



while she remains there, no Russian ship shall navigate that sea. France and England have determined that the Principalities shall be evacuated. Austria and Prussia have stated that they agree that the independence of Turkey shall be maintained, and that the occupation of the Principalities by Russia is inadmissible; and further, I say that that which was before a mere Turkish quarrel has now become a European quarrel; and the settlement, like the quarrel, must be European also. Let me ask then, what you, the House of Commons, will do? We are prepared, if you will support us, to do our duty; we are ready to go into Committee of Supply, to ask you to place the means of maintaining the honour of this country in our power. We ask you for 10,000 men additional for our Navy establishment, and we ask you for an addition of 10,000 men to our Army. We ask for great sacrifices on the part of this country—we propose to add to the expenditure of this country by an amount of more than 2,000,000*l.*; and is this an occasion on which you should potter over blue books—on which you should indulge in miserable carping at petty details, and endeavour to sow the seeds of disunion between us and our ally? Till I see it, I will not believe that the House of Commons will take such a course. If you have any grounds of complaint, put it into a substantive form. Put us upon our trial. Let there be a full discussion of the question, and decide once for all, whether we are in the wrong or no. If we are wrong, say so. If we are right, encourage us by your approbation—the highest encouragement which Government can receive, and constituting in a great emergency the strongest inducement to make exertions. But let me emphatically warn the House against the course which is now attempted to be taken, as one in the last degree disadvantageous to the public interest, that the Committee of Supply should be gone into without the opinion of the House being taken on this part of our policy. The hon. Gentleman says he has made out his case. Made out his case, Sir! Why, how miserable a spectacle is it, that, after the speech which the hon. Gentleman has made, the question to be put should be, “That Mr. Speaker do leave the Chair.” Surely, if the case was made out at all, it required a Motion of a more substantial and definite nature, for the honour of the House and the safety of the State. We have now

been sitting seventeen days—the papers have been upon the table for a fortnight—we have had a great deal of discussion in this and in the other House of Parliament with respect to them—but yet no direct Motion has been made on the subject. I thought that some notice of a direct Motion would have come from that quarter of the House where a strong opinion on this subject is believed to prevail; but we are now discussing the miserable question, “That Mr. Speaker do leave the Chair,” and no direct Motion has been made—no opinion has been pronounced—we have no opportunity of knowing whether or not we are to be sustained by the favourable judgment of this House; and now, though the hon. Gentleman has hardly omitted a single topic of adverse comment, yet after this to have to conclude with a Motion of this kind! Sir, I am ashamed to have trespassed so long upon your time in reply to it, and I beg pardon of the House that on such a Motion as this I should have occupied them so long.

VISCOUNT JOCELYN said, he rose with considerable diffidence to follow the right hon. Gentleman who had just sat down, feeling that it might be considered presumptuous in him to grapple with so able and ingenious an antagonist, but he must say, he had known occasions on which the weapon of the right hon. Gentleman had been more keen than to-night, and when he might well have shrunk from encountering him on the field. He for one thought the hon. Gentleman the Member for Aylesbury was justified in the course he had taken. He thought it was due to the dignity of the House that, when Her Majesty's Government laid papers upon the table as reasons for calling for increased estimates from the people, that House should discuss their policy, and that the representatives of the people should have the opportunity of pointing out where they thought errors had been committed. He considered, indeed, that such a course was only just to the Government itself. He wished to take that opportunity of stating his dissent from opinions that had been expressed by Friends of his in that House and in another place as to the neutral course that this country ought to have pursued in the present instance. He likewise wished to declare his entire disapproval of opinions uttered upon platforms by hon. Members of that House—Members of what were termed the Peace party—opinions in which, he was happy to say, the people of this

country did not participate, and which, if they did, would tend to tarnish and dim the national honour. The language held by the hon. Member for the West Riding (Mr. Cobden), whom he had always considered as the exponent of Liberal principles, at a public meeting in Manchester a few days ago, had caused in his mind astonishment and regret; but the hon. Gentleman, however able in other respects, must have read English history to but little advantage, to have forgotten how the liberties of England were originally won, and how they have ever been maintained. Let him not be misunderstood. He would not give way to any man in a dislike to war, for he had some opportunity in early youth of seeing its evil effects and its horrors on a peaceful and industrious population; but there was something worse even than war—and that was for a powerful nation to stand aloof whilst the liberties of a people were being cut down—to see the strong and the powerful give way to their ambition—and the weaker fall crushed without succour, though their cause was just. It had been said by the noble Earl at the head of the Government, with great amiability, that all war was sinful—but he (Lord Jocelyn) denied that war was sinful when undertaken in a righteous cause, and war was nowhere more just than where a people were engaged in fighting for their own liberties, and in which a strong and powerful State took part with the weak and defenceless when engaged in such a struggle. Those who had collated the blue book presented to the House had certainly shown great ingenuity, for the papers were placed in such a manner as to draw the attention to everything, rather than the question which the House and the country had in view. The real question before them was a question of the international police of the civilised world; and he would ask the members of the Peace Society how the peace of Europe could be maintained without such a system, or what would be the result if their views were fully carried out? Would not civilisation, without the maintenance of the balance of power amongst nations, meet in the ever-concurring circle with that point of barbarism from which it had emerged? and would not the old struggle have to be renewed between might and right? and would not might be triumphant, and barbarism override law and order?

This was not now, whatever it might have been originally, a question of the possession of keys or the guardianship

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of shrines, which might have been settled by negotiation and arbitration, but a question in which the liberties of Europe were involved. From the moment when the Russian army crossed the Pruth—from the moment when Prince Menchikoff made those insolent demands on the Porte, which, if complied with, would have rendered the Sultan little better than a puppet in the hands of Russia—from the moment that the Emperor of Russia demanded a protectorate over 10,000,000 of the subjects of the Porte—from that hour it became clearly the duty of the Western Powers to interfere—for it then became a question in which England and France were vitally interested. It had been argued elsewhere that this was a question of no importance to England. He denied that assertion. It had been stated by the hon. Member for the West Riding that it mattered little whether the fleets of Russia were or were not in the Bosphorus, and that if Russia triumphed at Constantinople, our commerce would be as prosperous as if under the flag of the Porte. But this was a sordid and a narrow view to take of the question. It was not so much to be viewed in a mere pecuniary light—though there, too, he might differ from the hon. Gentleman—as in the light of a great question in which the liberties of Europe were imperilled—a view which the past history of Russia entirely confirmed. Either by violence, or by fraud, or by treaty, Russia had, during the last half century, absorbed an extent of territory and population equal to one-third of her European dominions—Poland, Bessarabia, Mingrelia, the Crimea, and Georgia. And wheresoever her conquests extended, we find the liberty of the people destroyed, and their energy paralysed. Wherever Russia penetrated, her first step after conquest was to extinguish freedom and promulgate the despotic principles upon which her own Government was based. Where Russia placed its iron heel, free institutions decayed, and although it might be said that the institutions which she found in Poland and elsewhere could not be deemed of a popular character, yet they were the germs which might have grown into popular institutions, for they were similar to those which were planted in our own country in feudal times, and which had since produced that glorious tree under which they now lived in liberty and tranquillity. If they looked at the commercial policy of Russia, they found it a restrictive code—that it was a system of high tariffs; and when

they looked at one of the great outlets of Southern Russia, they found that, so far from the navigation of that noble river being facilitated, it was very seriously impeded—every difficulty was thrown in the way of its navigation. Wherever Russia had influence, that influence proved most baneful to the State over which she exercised it. Even Austria at the present time, owing to this circumstance, did not assume the high and the proud position she was entitled to do; instead of taking the firm and decided course which became so great a nation, she was, owing to Russian influence, wavering, vacillating, and undecided, so that it was almost impossible to judge how she was affected towards us. Well, then, let them look at Turkey—that so-called effete and fallen Ottoman race. Why, there they found public opinion—he could not say rapidly, but it was gradually gaining ground; that since the establishment of the tanzimat, liberal institutions had been gradually introduced; that their commercial policy resembled our own, and that they knew and appreciated free trade. They had been told over and over again that the Turks were an effete and fallen race; but yet the same spirit, the same energy, the same valour, which beat in the bosoms of the Osmanlis, 400 years ago, when they twice thundered at the gates of Vienna, were now shown on the banks of the Danube in the brave army of Omar Pasha.

He now came to the more immediate question, namely, the course of policy which had been pursued by Her Majesty's Government. He freely admitted to the right hon. Gentleman (Sir J. Graham) that it would be most desirable, and to the advantage of the world, if a pacific solution, could be brought about, but his quarrel with the Government was not for their wish to obtain a pacific solution, but because he thought the means which they resorted to for that purpose were the very worst they could have adopted. The blue book showed only one distinct line of policy on the part of the British Government, and that was, at all hazard and at all risk, to conciliate the Emperor of Russia. There was, in the whole course of conduct pursued by the Government on this question, a vacillation, a lack of energy, a want of action, where it was especially desirable there should have been vigour, firmness, and determination. He found the British Government, through its Ambassador at St. Petersburg, stating its entire reliance and confidence in Russia,

and receiving complimentary messages in return, and this, too, whilst their own *employés* gave them other and far different information. This had been clearly shown by the hon. Member for Aylesbury from facts which were now made public, and of which they were then cognisant. They had been told by their consul in the south of Russia, so early as April, that Russia was arming; by their consul at Sebastopol, that orders had been received to prepare a squadron to effect a landing on the Turkish coast. Colonel Rose had intimated his opinion very distinctly to the same effect, and Sir Hamilton Seymour related a conversation he had had with the Russian Minister, Count Nesselrode, from whom he could not, though he put the question, obtain a satisfactory answer with respect to these armaments. Sir Hamilton Seymour says:—

“With respect to the armaments, the subject was one upon which it was manifest that the Chancellor was unwilling to be questioned, and that, as I really believe, because he was unable to return a satisfactory answer.”

What, then, was the course the Government ought to have pursued? Ought they not to have acted with firmness and resolution?—ought they not to have used the fulcrum which could have been moved, and which, if they had moved, would have prevented all the unfortunate occurrences which had since happened? Sir Hamilton Seymour wrote on April 7 to Lord Clarendon, as follows:—

“The three points which appear to me to be established by the paper of which I have offered your Lordship a summary, are—first, the satisfaction felt by the Emperor at the proof of confidence in his word manifested by Her Majesty's Government—this is expressed in plain words; second, which is plainly to be seen, the apprehensions entertained by the Russian Cabinet of an alliance, having for its object a joint action upon the affairs of Turkey between England and France; and third, the almost equally evident desire of proving that such an alliance must, from the opposing interests of the two parties, exist more in appearance than in reality.”

Now, with this intimation in their hands, that what the Emperor of Russia most dreaded was a cordial alliance between France and England, what was the course pursued by Her Majesty's Government? Fortunately this matter was made clear by a despatch of the French Government. He would read the despatch of Monsieur Drouyn de Lhuys, published in the *Moniteur*, to Monsieur de la Cour, the French Ambassador at Constantinople:—

"Paris, March 22, 1853.

"Sir,—I shall return at a later period to the different points on which you will have to treat during the course of your mission. I only now propose to trace out to you some instructions to regulate your attitude and your language in the crisis through which the Ottoman empire is passing. As the faithful ally of Turkey, engaged by her traditions not less than by her interests to support her and preserve her from a catastrophe, France wishes in good faith to come to her assistance. It is for this object, Sir, that the Emperor has ordered our squadron to proceed into the waters of Greece. I still hope that this demonstration will only have the character of a measure of precaution and surveillance; but it was essential that our naval forces should approach towards the theatre of events, in order that no one should be able to feel a doubt as to our solicitude for the destinies of the Ottoman empire. It is necessary for me, however, to foresee the case wherein the gravity and imminence of conjunctures at Constantinople might determine the Porte to invoke our support. Admiral de la Susse would then attend to your requisitions, and I cannot too strongly impress on you the necessity of concerting with him the means of facilitating your communications with the squadron. So long as the Divan shall only be exposed to moral pressure you will confine yourself to keeping up its courage, and enlightening it with your counsels. If Prince Menchikoff, on the contrary, should break off the negotiations which have been opened, or have recourse to coercive measures in order to render them efficacious, you will have other duties to perform. Three hypotheses are admissible; I shall pass them in review each in its turn, and point out to you the conduct you would have to adopt in presence of each of them: 1. It may happen that Russia may begin by occupying the Principalities of Moldavia and Wallachia. However serious this attack might be on the integrity of the Ottoman empire, it would not be new. You would, therefore, wait until the Porte, considering Russia is in a state of war with it, shall of itself, and without any excitation on your part, address to you a demand for intervention, and you would then be authorised to cause the squadron to enter the Dardanelles; but even should such a demand not be made to you, the state of affairs would not the less require a more active surveillance, and you should request Admiral de la Susse to come and anchor either at Ourlac or in the Gulf of Enos. The latter position is of great strategic importance, and its occupation would perhaps deter Russia from the idea of making a demonstration against Varna or Bourgas. 2. If, nevertheless, the fleet of Sebastopol should put itself in movement, and if, at the same time that the Russian army should enter into the Danubian provinces, it should approach the Turkish shore of the Black Sea, or commit, alone, any act of hostility, there would be no longer any doubt; war would have commenced, and the Sultan would be released, *ipso facto*, from the treaty of the 13th July, 1841. The moment would be come for our squadron to pass the Dardanelles, and you would no longer hesitate to call for it to pass the Castles, if the Porte should adhere to that combination. It would be, however, necessary that the Porte, on this subject, should make a formal and written demand, and if Rifaat Pasha, which I do not suppose, should not take the initiative, you will not fail to recommend him to

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address a similar demand to the Ambassador of Her Britannic Majesty. In any case, you will take care to make known your resolution, either to Colonel Rose or to Lord Stratford de Redcliffe, and to tell them that France, being solely influenced by the general interest which is attached to the maintenance of the Ottoman empire, and pursuing no private object, would sincerely regret that England should not join with her in her efforts. If the Porte should desire to have us participate in the garrisoning of the Castles, that is, if it should desire to authorise a landing, you are to explain to Admiral de la Susse, that he ought, in case Admiral Dundas should also present himself at the Dardanelles, to come to some understanding with him, in order that this occupation, destined to cease as soon as circumstances shall render it no longer necessary, should be made in common by the French and English forces. The most simple combination would be that which would attribute to each squadron the defence of one of the shores. 3. Events, in fine, may assume a more decisive appearance; the Russian fleet, in a word, may want to menace and force the Bosphorus. If matters were to arrive at that extremity, you ought, on a new and pressing demand of the Ottoman Porte, to advise Admiral de la Susse, when he shall have provided the Castles of the Dardanelles with sufficient forces to ensure his return, to draw closer to Constantinople, and to give the Turks, in addition to the material support of his squadron, that of his professional experience. He would then enter on the plenitude of his action, and you would not have any more to interfere with his operations, except to fix the moment when it would appear to you necessary for him to quit the Bosphorus. I need not tell you, Sir, that the Government of His Imperial Majesty rejects completely the idea that Prince Menchikoff's mission can lead to so fatal a *dénouement*, but it is my duty to put you in a position not to be taken unawares by any event. Besides, it appears to me quite impossible that, in such an hypothesis, where the question should turn on the existence or downfall of the Ottoman empire, the English fleet should not be called on to do its duty by the side of the French squadron; and you would take care, if the situation assumed so menacing an aspect, not to conceal from the Embassy of Her Britannic Majesty the extreme powers which have been confided to you. These grave resolutions, Sir, have been suggested to His Imperial Majesty's Government only by the general interest of Europe to prevent a violent breaking-up of the Ottoman empire. My instructions apply, consequently, to all the circumstances which may appear to you sufficiently characterised to endanger the existence of Turkey.—Accept, &c."

But how did our Government proceed after Prince Menchikoff preferred his demands to the Porte, claiming for Russia a protectorate over the subjects of the Sultan belonging to the Greek Church? He could at once tell them how the French acted. M. de la Cour summoned the French fleet to the Bay of Salamis. Our Chargé d'Affaires, Colonel Rose, in the absence of Lord Stratford, took a vigorous step; he summoned the British fleet, and ordered



them to advance towards the Dardanelles. This order Admiral Dundas did not obey. How did our Government act? Why, notwithstanding the step the French Government had taken, they intimated to Russia that they had not acquiesced in the British fleet approaching the Dardanelles, though summoned by Colonel Rose, their own Chargé d'Affaires; and, further, that they had disapproved of the act of the French Government; thus, instead of showing to Russia a firm alliance with France, doing all they well could to remove that salutary impression—proving the truth of Count Nesselrode's remark, that the alliance between France and England was "more in appearance than in reality." Good God! if a Government having such an opportunity in their own hands—knowing that was an effectual, the only power they possessed to sway Russia—a cordial alliance with France—could so far forget what was due to their position as to prove to the Russian Government that such an alliance did not exist, was he wrong in saying that they had lost and thrown away the favourable moment for action, and lost the best opportunity for preserving peace? He now came to the question—What should the British Government have done—what would have been the course worthy of British statesmen—when the Russian forces had crossed the Pruth? The Porte was then released from the treaty of 1841. Should not the English and French fleet have immediately passed the Dardanelles, and taken possession of the waters of the Black Sea? They should have declared themselves supreme in those waters, and should have destroyed the first Russian ship that came out of the harbour of Sebastopol. That was the proper mode of acting towards Russia; and in that way they would have secured the cordial and friendly co-operation of the French Government. What was the view of the French Government, and how would they have acted? His opinion of the course which they would have pursued was backed by that of M. Drouyn de Lhuys, who wrote in a style and spirit worthy of the brave and gallant nation he represented. The despatch of M. Drouyn de Lhuys to Count Walewski was as follows:—

"Monsieur le Comte—The language which Lord Clarendon has used to you, the attitude which he has assumed before the House of Lords, and that of Lord John Russell before the House of Commons, and, in fine, the tendencies of public opinion, so clearly manifested by its principal organs, shows

that, in the crisis produced in the East by the Cabinet of St. Petersburg, the Government of Her Britannic Majesty wishes to come to an understanding with the Government of His Imperial Majesty, to ward off the dangers which a violent aggression, directed against the Ottoman empire, would incur to the balance of power in Europe, and, in particular, to the common interests of France and England in the Mediterranean. All my correspondence for some months past has had no other object than to point out these dangers, and prepare the means for that accord. The Cabinet of London could, therefore, have never doubted our co-operation to cause the spirit of the treaty of the 13th July, 1841, to be respected, and to remind the Cabinet of St. Petersburg that the Ottoman empire, placed by that arrangement under a collective guarantee, could not, without a serious disturbance of the relations now existing between the great Powers of Europe, be on the part of either of them the object of an isolated attack, and one so little justified as that with which appearances now seem to threaten it. But, Monsieur le Comte, as I have already several times mentioned, there is by the side of diplomatic negotiations another action to exercise, and it is the attitude assumed by the Cabinet of St. Petersburg itself, which has shown the necessity of it. When we knew that the army cantoned in the south of Russia was on a war footing—that it was provisioned as on the eve of a campaign—when the fleet of Sebastopol was ready to weigh anchor—when considerable purchases of wood were made for throwing bridges over the Pruth and the Danube; if all this did not indicate that hostilities were declared, it at least showed that they were approaching, and that their commencement only depended on a word. Who could guarantee us that, under the influence of a first movement, that word would not be pronounced at St. Petersburg, and if it had been, that the City of Constantinople would be protected from a *coup de main*? It was a danger of this kind that we feared, and as, if it were to be realised, the game would be lost at the outset, prudence imposed on us the duty of doing everything to prevent it. In what could such a measure of foresight more resemble a provocation than did the armaments of Russia herself? Why should not France and England, for the object of maintaining the treaty of 1841, have the right of doing that which one of the Powers which signed that convention was doing with such very different designs? Such are the considerations which determined us to send our fleets to Salamis, and which we now recommend to draw closer to the Dardanelles, not to take the initiative in an aggression, not to encourage Turkey to refuse every arrangement, but to secure her against an immediate danger, and to reserve, in case of need, to diplomacy the resources which it would no longer have if it had to struggle against *faits accomplis*. As to the steps which Lord Clarendon proposes to us to take at St. Petersburg, what already took place at Constantinople when the Prussian Minister and the Austrian Chargé d'Affaires united with the Ambassadors of France and England to endeavour to shake the resolutions of Prince Menchikoff, points out the line which we have to follow. The authority of our representations will be greater if it be increased by that of the representations of the Cabinets of Vienna and Berlin, and if, on diplomatic ground at least, there be established between the great Powers an accord to declare

that the spirit of the important arrangement in which they, as well as Russia, took part in 1841, is opposed to the affairs of the East being treated otherwise than in common, and in conference, where all interests would be examined and discussed. Far from doubting that Prussia and Austria, so long as all hope of an arrangement shall not be lost, wish to separate themselves from France and England, what we know of their sentiments authorises us in thinking, on the contrary, that they, like us, feel the danger, and propriety as well as policy recommend our doing nothing without them. It is by leaving to the Eastern question its true and European character that we have the greater chance of settling it without serious risk for the maintenance of peace. The treaty of 1841, Monsieur le Comte, on the bearing of which every one is now agreed, must serve us, if I may so express myself, as the basis of operations. All the Powers which signed it have a right to invoke it, and it would be, in my opinion, to commit a fault, and to weaken the effect of our proceedings (subject to making known at present our particular impressions), not to combine with the Cabinets of Berlin and Vienna when there is everything to indicate that they will receive our overtures.—Accept, &c."

These were the views of the French Government, and could it be said that the whole action of the French and English Governments had been similar when they thus found what were the opinions of the French Government? This despatch, he thought, clearly showed that action must have been repressed wholly by the English Administration. They were told last year, when it was asked, "Why did not the English fleet pass the Dardanelles?" "Oh, it would have been considered a *casus belli*, and we could not expect a pacific solution of the question." Had the passage of the Dardanelles within the last few weeks been made a *casus belli*? Then they had heard Ministers argue in another place, "Oh, but Turkey was unprepared, and Russia might have marched upon Constantinople, and that would have brought on war." He (Lord Jocelyn) denied, however, either that Turkey was unprepared, or that it was possible for a Russian army to have marched upon Constantinople. What was the fact as to the Russian army? Why, that there were in May last only 40,000 concentrated together at Galatz, and that 20,000 only passed the Pruth. When it was recollected that in 1828 Marshal Diebitsch crossed the Danube with 60,000 Russian troops, of whom only 15,000 reached Adrianople, by the aid, at that time practicable, of the Russian fleet, which 15,000 troops, on their arrival, were utterly inefficient from exhaustion, Her Majesty's Government need not have been so extremely afraid of the Russian troops, who, though powerful in defence, were notoriously weak for external action. As

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an instance, they had only to look at the Hungarian campaign. It might be urged the army might have taken another line—the interior; but the same arguments would still hold good, for the state of the Russian commissariat would prevent them from making that advance. And when a British Minister told the House that Turkey was unprepared for defence, he begged to say that that Minister must have forgotten facts. What were the facts? Omar Pasha, seven months before, was at the head of 40,000 men, operating in Montenegro; six months ago, orders were sent by the Turkish Government to Omar Pasha to fall back on the passages of the Balkan. He (Lord Jocelyn) would ask any living man whether he thought, after what we had seen upon the banks of the Danube, that it was possible for a Russian army to have passed the Balkan when held by a Turkish force? He would next just refer to what the right hon. Baronet (Sir J. Graham) had called the pacific measures, but which he (Viscount Jocelyn) called the dilatory measures, which had led to an European alliance against Russia. He denied that there was such an alliance. How did they know what Prussia or Austria would do? They hoped and trusted that those Powers would act with us—but what proof of their intention had we upon which to found any opinion? Now, did Ministers know what Austria would do? They were told, indeed, that Austria and Prussia would be neutral; but, even so, that was all that was to be expected. He was prepared to assert the conviction that Austria and Prussia would have gone, at least, quite as far with us as they would now had we in the outset exhibited the energy that should have been manifested; so that, in this respect, we had gained nothing whatever by delay. Great harm, in fact, had been done by the delay which had occurred. But for that delay, the Turkish fleet cruelly destroyed at Sinope would now have been floating tranquilly in Turkish waters. Had the French and English fleets entered the Black Sea, would it have been possible for the Russian fleet to have moved out of Sebastopol, or to have destroyed the Turkish squadron at Sinope? He believed that, if the English and French fleets had been in the Black Sea at the time, the disaster at Sinope could never have occurred; and he thought that he had shown that the arguments adduced for not sending the fleets into the Black Sea the moment the Russians crossed the Pruth, were not good arguments, for the Turkish

army was prepared to advance ; while, for the Russian army, an advance was impossible. He now came to another and more serious question—one which the right hon. Baronet had not yet answered. He (Lord Jocelyn) agreed with the hon. Member who made this Motion, that the House had a right to demand what Ministers were going to do. What are our troops and our fleets going to effect ? Were they going to re-establish those treaties which had been disposed of as mere waste paper, or were they going to put a limit to the grasping ambition of Russia ? If their object was merely the re-establishment of defunct treaties, he believed the people of England would not go with the Ministers ; but if it was intended to place a curb upon the aggressive spirit of Russia, then, he believed, the people of this country would join, heart and soul, with them. The House surely had the right to ask information when it was called upon to vote increased estimates, and, as representatives of the people, were bound to inquire how the money was to be expended, and what were the objects of the increased armaments ? He asked whether our troops were about to take the field to meet the Russian armies, or was it a mere idle demonstration, which would be attended with precisely the same success as distinguished the vacillating policy which had been pursued ? The country had a right to that information, and the House was justified in calling for it. He believed the Government would receive the support of the House in all measures that might be necessary for the maintenance of the national honour, but they must expect that their conduct will be closely watched and their proceedings rigidly canvassed, the more so on account of the mode in which they had hitherto conducted their policy. He firmly believed that the cause in which they had embarked was just and righteous ; and he believed that the Providence which disposed of the fate of armies, would assist England in a just and righteous cause. He would conclude in the language of old, employed in the days of chivalry, and say, “ May God defend the right ! ”

LORD DUDLEY STUART said, he had never come down to the House with a more earnest desire than on this occasion to give his support to the Government, because he felt that we were at a juncture when the safety and happiness of wide-spread nations might depend on the course that should be pursued by our Go-

vernment ; and that it was of the utmost importance that the Government, in the course it seemed inclined to pursue, should receive the unanimous and unhesitating support of the House and of the country at large. His feelings on the subject had been confirmed and augmented by the speech of the noble leader of the House a few nights since, in introducing the Reform Bill—a speech which showed that, while his noble Friend, predisposed, on the one hand, to remedy and remove, so far as he could, internal abuses, was prepared not to falter in resisting manfully our foreign enemies. He was satisfied that the Government, acting upon these principles, would meet with the heart-and-soul aid of the people. Having, however, expressed this feeling and this conviction, he could not refrain from declaring, as a representative of the people, that he had never been more surprised, he would say shocked, than at the language which had been used by the right hon Gentleman (Sir J. Graham), a Minister of the Crown, on this occasion of proposing the Navy Estimates. He had always thought that, if there was an occasion on which the representatives of the people were especially called upon to seek explanations and information from the Government, it was when they were called upon by that Government to vote away the people's money. He was sure that his noble Friend (Lord J. Russell), the great authority in that House upon all constitutional questions, would confirm this proposition ; and he felt equally satisfied that the proposition would be sanctioned, on this particular occasion more emphatically, by another noble Friend (Viscount Palmerston), also on the Treasury bench, who had laid it down as a clear principle that the Members of that House were not only entitled, but bound, to insist upon that full information from Government which would enable them thoroughly to comprehend all our foreign affairs. Then, if that were so, the House surely was entitled to know for what were wanted 20,000 additional men and 2,000,000*l.*, that they were called upon to vote. Yet the First Lord of the Admiralty, because an hon. Gentleman had ventured, in very moderate terms, to ask for reasonable information, and to criticise, to a certain extent, the policy of Government, had treated the hon. Gentleman's questions and his observations with contempt, as alike unworthy of the occasion and undeserving of answer. Now, it appeared to him (Lord D. Stuart) that his

hon. Friend (Mr. Layard) had done no more than his duty in putting these questions, and that the House would not be doing its duty if it did not obtain full information on all points connected with this most important question. It was in the highest degree incumbent upon the representatives of the people to know upon what the people's money was to be expended, and whether this enormous increase of their burdens was to be really applied to some specific and adequate purpose. He trusted that some other Member of the Cabinet, less transported with indignation towards the hon. Member for Aylesbury, would rise to give explanation, without telling those who sought for information that, if they chose to criticise the policy of the Government, they could move a vote of want of confidence. He was not going to "potter" through the despatches, but would simply state the complaint made against the Government on this question of its over-condescension to the Russian Autocrat—its hesitation and vacillation—composed, to adopt an expression of a noble Lord, of "one part cowardice and three parts discretion." Russia had been styled our old and faithful ally. Admitting that Russia had been an old ally, it was not to be admitted that she had been, by any means, a faithful ally; and it was not to be endured, in any case, that she was to treat this great country and our allies with the greatest conceivable arrogance and injustice. It was not the fact that Russia had been "our faithful ally." She had been utterly, grossly faithless to her alliance with us, and to our treaties with her, over and over again, and on the most signal occasion. In the case of Poland—she had violated her alliance, she had violated her treaties, she had violated the sacred oath taken by her Emperor before God and the Holy Trinity. In the case of Adrianople, her violation of alliance and of treaties had been equally flagrant—equally shameless; in the case of Cracow her violation of treaties had been so glaring that Her Majesty had been advised by Her Ministers to denounce it in the Speech from the throne; in the case of Hungary her conduct had been marked with a perfidy scarcely less monstrous. Faithlessness, in a word, had been the characteristic of this "faithful ally," yet the Government of this country had persisted in receiving the assurances of the Autocrat and his Ministers with the most credulous confidingness—with the same confidingness, as

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the noble Secretary for Foreign Affairs himself expressed in another place, that the assurances he received from Russia were such as he should have no more thought of disbelieving than he should the positive assurances of an English gentleman. It was all very well, and very pleasant, to be on those terms with foreign Governments, but the question arose, whether they were justified in being on those terms. They could believe the word of English gentlemen, because they had assurances of their former conduct; and all that they knew of them made them sure they would not be guilty of an act of deception. But had the Emperor of Russia done anything which was to give him a right to claim the same confidence being placed in him? It had been very much the fashion in that House to speak with admiration of the Russian Government. He had never joined in such expressions; on the contrary, he had always maintained that the conduct of Russia had for more than a century been marked by treachery and by inordinate ambition. As regarded the Prince now on the throne, whether they examined his conduct towards those who were unfortunately his subjects, or his dealings with other countries, they would find him to be equally unworthy of credit. He had never been bound by the faith of treaties or by his own declarations when he had found it convenient to forget them. Her Majesty's Government, it appeared, believed in the assurances of the Russian Government, notwithstanding the information of a contrary character afforded them by their own agents, and, among others, by Lord Stratford de Redcliffe, who told them on one occasion that Russia spoke peace, but that her acts were the acts of war; but in spite of this the Government continued to believe Russia. No doubt they were desirous to maintain peace, and the object was a laudable one. He would yield to no man as a defender of peace, and he would honour the Government for any course of conduct they might pursue calculated to preserve peace, so long as it was consistent with the honour and interests of the country; but he firmly believed that the course adopted by the Government during its quarrel with Russia had not been such as to secure peace, but, on the contrary, that it was the best that could have been devised to bring about a war; and now were they not on the brink of war, after having already been exposed to many of the evils of war by their peace



policy? Had not large sums been spent? Had not commerce been interrupted? Could they calculate the amount of loss experienced in the different countries of the world by the interruption to trade created by the uneasiness and uncertainty that had prevailed? Could they tell how many lives had been sacrificed, how many torrents of blood had been shed, during this interval of negotiations for peace? Were they not chargeable with all this loss and all this blood, which had been cruelly shed? If it was true, as was the general opinion throughout Europe, that a bolder policy would have prevented all that had occurred during the last year, surely our Government had much to answer for, as it must be held responsible for all the disasters that had occurred. The whole question lay in a nutshell. The demands of Russia were not for the amputation of a limb, but for that which must have infused poison into the whole system, and Turkey could not possibly submit to them. Russia then committed the unwarrantable act of taking possession of Turkish territories. Now, the right course for the allies of Turkey to have taken, whenever they ascertained this to be the intention of Russia, was to have informed her at once, and plainly, that such an act would be treated as an act of war. The general opinion of those with whom he had had an opportunity of conversing on the Continent was, that, if the attempt of Russia had been met in that way, it would have been nipped in the bud. But, more than that, it was the general opinion that if England had not been governed by a Minister who, right or wrong, was supposed to have a strong leaning to Russia, and who, by former acts, was understood to show a great desire to comply with any of the demands of that country—it was the general opinion that if, instead of such a Minister, we had had one of a firmer character, not only would the Pruth never have been crossed, but that the demands of Russia would never have been made. Wherever he (Lord D. Stuart) had gone, he had heard but one opinion on the subject, and that one opinion had been pronounced in a single word and in a single name—"Palmerston." "If you had had a Minister of that description," was the almost universal expression of every statesman and politician that could be talked with on the Continent, "nothing would have happened." The Emperor of Russia had long fixed his eye on Turkey. It had been the traditional policy of Russia

ever since the time of Peter the Great to get possession of Turkey; and no doubt she thought the time was come when this country was ruled by a statesman that she expected would be her friend, and when she did not expect that the cordial union would subsist between England and France which happily we now saw. They had succeeded in removing from the charge of the foreign affairs of this country a statesman who had always been an obstacle to the views of Russia; and it was worthy of notice that, so long as that Minister was at the head of foreign affairs, none of those things occurred, for, though they were often told his policy was dangerous to the peace of Europe, yet, so long as he was at the Foreign Office, the affairs of Europe were kept from confusion and disorder. But now, when he was no longer in that position, they found themselves on the brink of a war, of which no one could calculate the consequences. This country was bound in every way to act for the defence of Turkey. We were bound in honour, because, if there were no treaty engagements to that effect, it could not be denied that, by speeches from the Throne and by official assurances given in many ways for a great many years, Turkey had been led to expect our assistance, and to rely on our aid, whenever she should be engaged in a just quarrel. There were persons who thought we should not interfere in this quarrel at all, but in that opinion he could not participate. Turkey had unquestionably justice on her side. Russia could not point to any specific grievance of which she had to complain against Turkey, but put forth generally a claim to the control of a portion of the subjects of the Porte, and, in attempting to enforce this claim, she was committing the greatest atrocities in the provinces of which she had taken possession. It was unnecessary to show how much it was for the interests of this country that Turkey should be maintained. Our commerce with that country was increasing to an enormous extent, and it was no answer to say that it was a commerce of transit. If Russia had possession of the country no such commerce of transit would be allowed, because, instead of the liberal policy of the Sultan, they would have the prohibitory tariff of the Czar. Then, if Russia once got to Constantinople, and held possession of the Dardanelles, she would become a maritime power of such strength and importance, that the whole independence of Europe would be threatened. Russia

had progressed since the days of Peter the Great to an enormous extent, as was amply shown in a pamphlet, entitled, *The Progress and Present Position of Russia in the East*, written twenty years ago by one of the greatest diplomatists this country ever possessed, the work being ascribed to Sir John McNeil, formerly Ambassador in Persia. Mention was there made of the uniformity of the means by which Russia had extended her power, and it was observed that, commencing with disorganisation, she next resorted to military occupation on the pretext of restoring tranquillity, and this was followed by protection and incorporation. Such was the course pursued with regard to Poland, Georgia, and the Crimea. The conduct of Turkey in the trying circumstances in which she had been placed deserved the warmest eulogy, and ought to strengthen the disposition of this country to make sacrifices on her behalf. Attacked in the most arrogant manner by Russia, insulted through her representatives, and exposed to the utmost humiliation, she had displayed conduct at once firm and conciliatory, courageous and moderate; conduct which would do honour to the most civilised State, and the most enlightened Government, in Europe. He believed there was not a statesman who better understood the question of Turkey, or who was more anxious to defend the interests of England, as connected with it, than Lord Stratford de Redcliffe; and he also stated, that "Turkey had exhibited a spirit of self-devotion, unaccompanied by any fanatical demonstration;" and that "the Sultan appealed with perfect success to the zeal of the Mussulman, and the loyalty of her Christian population." What he (Lord D. Stuart) saw in the country agreed entirely with this description. The Turks were accused of fanaticism, but he maintained they were showing the greatest patriotism. If any attempt were made by a foreign Power to interfere with the internal affairs of this country, especially upon any subject connected with religion, would not the Protestants of this country rise up as one man to repel the intruder? And would they then be told that all their zeal and desire to defend their rights and honour was nothing but fanaticism? Though the Turks had come forward to defend their Sovereign, they had exhibited no fanatical conduct. There had been no insolence offered to the Christians, nor any disturbances whatever that could be referred to religious feeling. When he was

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at Constantinople in December last, there was a series of *émeutes*, but they were occasioned by a number of the younger portion of the population, the students of law, as they might be called—the softas—who had got the notion that the Government was going to make concessions to Russia, and sign an inglorious and dishonourable peace. But there was no other disturbance whatever. They declared at once that they had no desire to interfere with the Christians or their privileges, and no person was molested. He had himself been walking about, and had passed the greater part of the day, in the bazaars and that part of Constantinople which was more particularly inhabited by Mussulmans. He wore a Frank dress, and he met with no annoyance, and he did not believe that a single Christian had been injured upon that occasion. On going to Pera, he was informed by a merchant that there were English ships of war, to which Europeans, if endangered by the outbreak, might retire; but the fact was, that there was no need of such an opportunity. The Turkish Government met this demonstration by removing some of the more noisy of the persons implicated in the affair, and by issuing a proclamation stating that no such treaty was to be signed, and that no armistice was to be concluded. The truth of this was soon made manifest, for shortly afterwards Omar Pasha had the satisfaction of gaining the victory of Csitate, a victory which proved that the Turks were able to face the Russians in the open field. He was glad to state that the Turkish army was in extremely good order. The troops were fine men, who were well formed, well equipped, and well cared for, both in barracks and in hospital. Under Omar Pasha, at all events, they were also well commanded, and he trusted that they would be able to give such a good account of their enemy as would continue to do them honour, and would suffice to defend their territory until they should receive the succour of this country and France, to which they were entitled by their valour, the nature of their cause, and the conduct which had been pursued by their Government. He could not sit down and altogether omit making an observation with regard to that most disastrous affair of Sinope, which would never be forgotten, and which, he feared, reflected no credit upon the arms of the allies of Turkey. Our Ambassador had stated that, if our fleet had been in the Black Sea, this disaster never would

have occurred; but the right hon. Gentleman said that the Turks alone were responsible for it, because they alone were aware of the defenceless state of Sinope. For himself, he could not reconcile the fact of our fleets not being in the Black Sea with the instructions in the blue books, because it appeared to be clear that they had been ordered to protect the Turkish territory. The disaster at Sinope was indeed a most melancholy and most barbarous affair. Russia had declared that she would commit no aggressive act upon Turkey, and then she attacked that Turkish fleet, lying peaceably in Turkish waters, and attacked it with a force so superior, that it would have been no disgrace to the Turkish commanders to have struck to them at once. In a very short time the Turkish fleet was put completely *hors de combat*; but, not satisfied with that, the Russians continued, with excessive barbarity, to fire upon them until they were utterly destroyed. He had heard the Turks speak of this matter, and he found that, like himself, they did not exactly understand the kind of limited war that was going on. He had heard them say that there was no dishonour on account of those proceedings either upon Russia or Turkey, for they had both done their duty; but they considered that the dishonour rested with other flags. The noble Earl at the head of the Government had said that we, too, had had our Sinope. We had had our battle of Navarino, it was true, to which we could never look back with satisfaction. It had been described as an "untoward event," and so it was; but he was not aware that in that action we violated any agreement into which we had entered, or any proclamation which we had made, or committed any of those barbarities, or occasioned those useless murders and unnecessary bloodshed, which had disgraced the affair of Sinope. In fact, the two cases were in no respect upon a par. He contended that the Government were not justified in putting their hands into the pockets of the British people if they were not going to do something better than to establish the *status quo* before the war. Were they going to drive the Russians out of the Principalities? Were they going to make her relinquish her demands? Were they going to compel her to pay an indemnity to Turkey? And, above all, were they going to place things upon such a footing that this country, Europe, and the world should not again be exposed to

danger arising from unscrupulous Russian ambition? If they were about to do that, and to obtain from Russia solid guarantees that she would not disturb the peace of Europe, then they would be justified in their proceedings, and the end for which they strove would be worthy of them.

MR. ROEBUCK: Sir, at the outset I must ask the indulgence of the House, on account of my recent illness, to bear with me while I make a few remarks on this subject. It seems to me there has been some misunderstanding on the part of the right hon. Gentleman the First Lord of the Admiralty, as to the purpose and object of the Motion submitted to the House by the hon. Gentleman the Member for Aylesbury. His desire, as it seems to me, is not so much to incriminate Her Majesty's Government, as to obtain from them some declaration of their intentions on this question. That declaration has not yet been made by any member of the Government. Now, it seems to me there is much to be said for the Government on the present occasion. They had a very difficult and delicate task to perform. Before them was the inception of a great war. They were acting on behalf of the English people, and they were to justify that war, if war should happen. And I think that their difficulty in acting with anything like decision may be borne with and excused; for it seems to me, if they had rushed hastily into war, the first person to find fault with them would have been the very Gentlemen who now complain of them. I say, Sir, the Government had to satisfy the people of England that they had exhausted all the means of peace before they undertook this war. Now, I am as great an enemy to war as any of the gentlemen who are members of the Peace Society. But I object to those who are members of that Society supposing that every person who differs from them is either a knave or a fool. The danger, Sir, in this case, was immediate. The Government had to decide whether they should at once accept the war that was presented to them, or attempt to solve the difficulty by all the means and appliances of negotiation. I do not mean to say that the statement made by some hon. Gentlemen may not be true, that if the Government had taken a more decisive part the Emperor of Russia would have been stopped in his course. We might have said, "If you pass the Pruth we shall send a fleet to Cronstadt." We might have said that crossing the

Pruth was an act of war, and we shall declare war upon it. But that would have been acting with more decision, and though we should have been at this moment at war, it does not follow that the Emperor of Russia would have receded in the least from his demands on Turkey. Now, we have to decide, not upon a minute examination of the blue books, not on the conduct of the Government, but we have to take the situation of the Government, the situation of the people of England, and the circumstances presented to the Government—the very difficult circumstances—under which they acted; and, above all things, we ought to make the world understand that on this subject the people of England are united. We are not cavilling at, or trying to pick holes in the coat of the Administration for what has been done, but we are telling the world that England considers the conduct of the Czar of Russia as the overweening extravagance of ambition, and that we are determined to put a stop to his career of spoliation, and that in this matter we act as one man. If we had had a declaration from the Government of what they intended to do, I think the country would certainly have been more satisfied. It appears to me, so far as I can understand the question, that the Government, so long as peace was possible, have attempted all means of obtaining peace. But now that war is certain, they are acting with all becoming promptitude and resolution under the circumstances. It would seem to me that our duty upon the present occasion is not so much to look back upon what may be deemed by some the shortcomings of the Government, as to support them in their more determined action, and to look forward and consider what would be the wisest course to pursue. What has the Emperor of Russia demanded? It seems to me rather curious that throughout our discussion on this subject, whether in newspapers or in Parliament, the real difficulty with which it is beset has been evaded. What are we afraid of? No man has explained what. We have heard, it is true, a great deal about "the honour of England;" but I always apprehend, when people talk of "the honour of England," that we shall experience something very like injustice. We are afraid, if we leave Turkey to herself, that the Emperor of Russia would take possession of Constantinople. What are we afraid of there? We are afraid that Russia, retaining the

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possession of the capital of Turkey, would say she had become possessed of Turkish rights—that she being the stronger, and Turkey being the weaker, she was about to take possession of the rights and privileges which Turkey had given up. Now, I want to show the House and the country that it is our interest to go to war now—for we shall certainly have to go to war by and by. We may go to war under circumstances not nearly so advantageous as the present. Supposing we were now to abstain from going to war, what would Russia do? She would take possession of Turkey, she would take possession of Constantinople, and she would immediately say, "We are in possession of Turkish rights." Being in possession of Constantinople, she would be in possession of the Dardanelles; she would shut up the Black Sea, and she would advance to Egypt, and, advancing to Egypt, she would cut us off from India and the East. Therefore, Sir, our interest is now to prevent Russia getting possession of Constantinople. It is our interest at the present moment, because we are in alliance with France. If we allow Russia to get possession of Constantinople, circumstances might, perhaps, occur to sever that alliance. I am willing and anxious to pay my humble tribute of applause to the loyalty and honesty of purpose exhibited by the Emperor of France; but honesty among nations is not to be found. I am very much afraid, if we were now to follow the advice given us, and allow Russia to get possession of Turkey, that we should have a much more difficult game to play. Therefore, I say—I do not know if my hon. Friend the Member for the West Riding (Mr. Cobden) is present, but if he is, I would say, by deferring you do not wholly prevent war, but you defer war to a much more disadvantageous occasion than the present. Well, Sir, if the Government have determined to go to war—if they have exhausted all the means of keeping the peace, and are at last driven to war—it behoves us to support them as far as we possibly can in their determination to carry out their warlike proceedings. Now, I would ask the House how we should best assist the Government in going to war. Is it by finding fault with them, or is it by cordially uniting as one man, and saying to the Emperor of Russia, "Thus far shalt thou go, and no further?" History tells us that that Power is as unscrupulous as it is unscrupulous, and as vicious as it is unscrupulous.



civilisation. It is barbarous in reality ; it is civilised only in appearance. It has all the means which civilisation affords of extending its ambitious views, and it is as unscrupulous as if there was no public law. The blue books exhibit that system which an hon. Gentleman has characterised by the word "falsehood." That is the only word which applies to the conduct of Russia. A more flagrant instance of the violation of all law—of all public law—was never seen than that involved in the note presented by Prince Menchikoff. Let us bring the matter, as it then stood, home to ourselves. Suppose in 1829, Austria, being a Catholic country, had said to England that she would send an army to Ireland, unless we emancipated the Roman Catholic population there—what should we have said? We are a strong people, and we should at once have taken our revenge for that insult upon our honour. The position in which Russia stands to Turkey at the present moment, is precisely as if Austria had sent an army to Ireland in 1829. I say the conduct of the Government is justified on a consideration of public law, and of the honour and duty of England. I am not one of those who think it worth while to inquire what have been the faults which the Government have committed in their diplomatic negotiations on this question. They may have acted with vacillation. What then? I am certain the people of England would have said, if they had not acted as they have done, that they had rushed heedlessly into a war; and therefore, I say, they were perfectly justified in all that they had done. But I think we should call on the Government to give us an answer to the last question of the hon. Member for Aylesbury (Mr. Layard), namely, what do they intend to do? and I hope that some Member of the Government will give a full and explicit answer to that question; that they will state clearly what it is they intend to do, so that we may be in a position to say to them that we will support them or that we will not. Therefore, Sir, though wholly incapable of expressing my ideas on the present occasion—feeling myself too weak to do so—still I would call on the Government at this time to answer that question fully and completely, so that this House what

say, the very wise speech of the hon. and learned Member for Sheffield, who has last addressed us, I can have no hesitation in rising to give that information to the House which he very properly asks in reference to so grave and important an occasion. Sir, I think, however, in saying that my right hon. Friend the First Lord of the Admiralty mistook the position in which we stand, he rather committed an error, because I think it was not my right hon. Friend, but my hon. Friend the Member for Aylesbury (Mr. Layard), who mistook the position in which we meant to stand on this question. It seems to me that when the Government come forward and say events are hastening towards war—we ask you to enable us, at least, to make preparations for war, though not to vote the estimates of actual war. There appears to me, at the period at which we have arrived, to be three courses which the House may adopt with propriety, according to its particular disposition or inclination. It may say, first—"War is impending, but you, Her Majesty's present Ministers, have committed so many errors, that we cannot allow you any longer to have the conduct of affairs upon so momentous a question." It may say, secondly, as I understand the hon. and learned Member for Sheffield to say, "There may be errors in the course of your negotiations; and one man may think that at one point we should have been more decided, and another might think that we might make more secure alliances at another time. But these are questions of difficulty, upon which decision is not easy. We will waive the consideration of these grounds, and we shall vote the estimates for the year." The third course is to say, without entering into the question of the negotiations at all, "We will look entirely forward; we will give our confidence to the Government, but we will watch their proceedings, and if they enter upon war, we will see that it is carried on with all the vigour and judgment necessary to bring it to a successful conclusion." Any one of those three courses the House may take, and any one of those courses might be fitting for the occasion; but my hon. Friend the Member for Aylesbury has taken another course, which I must say I think, if it was not satisfactory to the Government, it can hardly be so to this House, because he lays it down on certain grounds which he assumes he has proved, that the Government were entirely in error. He says,

"Although I have made out my case, yet, notwithstanding that, I have the magnanimity to excuse you; I will give you my pass for all the errors which you have committed, and now, with a sort of lame and limping confidence, you may take your votes which you have proposed." I say that course is hardly satisfactory. I say, with my right hon. Friend (Sir J. Graham), let us know whether you will take the course which the hon. and learned Member for Sheffield takes—whether you will censure us, or whether you will give us your full confidence. I am not arguing in favour at this moment of any particular course, but I say any one of them is open for the House of Commons to take on a most grave and important question.

Sir, in alluding to the negotiations that have passed, I wish to refer as little as possible to the particular documents to which my hon. Friend has referred, and will confine myself to some general outline of the course which the negotiations have pursued. My hon. Friend the Member for Aylesbury says, and says truly, that as long as there was a question between France and Russia respecting the Holy Places, it was not the concern of our Government to say which was in the right, or which was in the wrong; but immediately there was a menace of force, and of fleets and armies, that then it did become a question interesting to the Government of Great Britain. But if any censure is to fall in this respect, it would rather fall on the Administration of Lord Derby which preceded us, and the conduct of Lord Malmesbury, then in the Foreign Office, than upon ourselves. I cast no censure upon it, but it was perfectly evident that, while Lord Malmesbury was at the Foreign Office, there were threats of force and other preparations held out by Russia, upon the pretext that the Ambassador of France had threatened a course, in order to compel Russia to agree to terms which she said were inconsistent with the engagements which had been entered into by the Sultan. I was myself informed by Lord Stratford de Redcliffe, in answer to a question I put to him, that M. de Lavallette stated that, unless his terms were complied with, he should immediately send for the French fleet in order to enforce his requisition. It immediately then became a question, when such threats were held out, whether or not the Government of England would think it wise at least to propose its advice and good offices to

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induce the French Government to do what it really did afterwards in the fairest and handsomest manner, namely, desist from the pretensions which she declared were founded upon treaties and strict justice, but pretensions which at the same time must lead to opposite pretensions being put forward by Russia, at the risk of threatening or disturbing the peace of Europe. Such was the state of the case when the Earl of Aberdeen entered office. The Earl of Malmesbury had written a private letter to Lord Cowley, our Ambassador at Paris, calling his serious attention to these circumstances. I followed in the same course, and on the very day on which I accepted the seals of the Foreign Office, I also wrote to Lord Cowley, calling his serious attention to the subject. Now it seemed to me that the very first thing which it was necessary to do was to endeavour to induce France to desist from the pretensions which she had put forward, because if France and Russia had gone to war upon the question of the Holy Places, there would have been imminent danger, not only to the peace of Europe, but immediately to the independence of Turkey, and it would have been impossible for England—seeing that she did not abet or take part in the pretensions of France in that question—it would have been impossible, I say, for her to have taken part with France in the war that might have ensued, and which would have been of very great danger to the country. The object which we had in view was accomplished; the French Government, as I have already said, behaved with the greatest fairness. They felt that their Ambassador had gone beyond that which was prudent, that he had executed his instructions in a manner that was offensive and alarming to the Sultan. The Government of France withdrew the Ambassador from Constantinople; they did not insist upon their pretensions, and by this means the question with respect to the Holy Places was very soon settled in a manner in which no party could find cause of complaint. From that moment we had this very great advantage, namely, that we could act with France in the cause of Turkey. Now the hon. Member for Aylesbury must not consider that as a subject of no importance.

Let me again state to the House what had been and what was the case when we entered office. The case was that France had made a claim upon Turkey in respect of a treaty of 1740; she then declared, and

declares to the present day, that those claims were perfectly well founded in truth and justice. But we could not abet France in that respect, and therefore it was of the utmost importance that the question of the Holy Places should be settled, and put out of the question, as it were, in order that England and France might act cordially together with respect to the pretensions of Russia. Now in attaining that object I assert, what I have repeated over and over again, that for the settlement of this question we are greatly indebted to Lord Stratford de Redcliffe, who, having a perfect knowledge of the affairs of Turkey, having great influence with the Turkish Government, and having very great power, by means of his ability, of enforcing his opinion, was of the greatest use to Her Majesty's Government in enabling us to effect that decision. Now then, I come to the conduct of Russia with respect to the claim she has made on the subject of the Holy Places. The allegation made to us over and over again for several months—made to Sir Hamilton Seymour, to Lord Clarendon, made to myself, made to the noble Lord at the head of Her Majesty's Government—was to the effect that the concession made to France by the Sultan was at variance with the solemn engagements between Russia and Turkey—at variance with the written word of the Sultan, and such as Russia could not allow to take effect. She said, therefore, that she required things to be replaced in *status quo* in which they rested two years before, and required that by some means she should have security that this *status quo* should not again be disturbed. During the whole of this time, during the several months which elapsed, Russia never at any time suggested or hinted such claims as she now put forward, or that it was her object or intention to gain anything with respect to her general protectorate over the Greek subjects of Turkey. Russia never said that she wanted to acquire anything further than security on the subject of the Holy Places. Now the whole of that conduct was no doubt a deception. There was concealment and deception on the part of Russia towards the Government of this country. But while we gave credit to the assurances of Russia, we were not blind to the possibility that the Government of Russia might be so deceiving us, and that she had ulterior measures in view. For that reason I wrote—and my hon. Friend the Member for Aylesbury has

quoted the letter, though I hardly know for what purpose—to Colonel Rose, saying that, if Russia should advance to the frontier, we ought to have early intelligence of it, and that Lord Stratford de Redcliffe would, when he arrived, have more stringent instructions as to the course he was to take with respect to any invasion directed towards Constantinople which the Russian Government might attempt.

The mission of Prince Menchikoff was one which, while it pretended to be a mission in order to settle the question of the Holy Places, and while it was stated over and over again by Count Nesselrode at St. Petersburg, and by Baron Brunnow in London, to be a conciliatory mission, was, in effect, as it afterwards appeared, a mission, endeavouring, by some mode or other, to gain a complete supremacy on the part of Russia over Turkey, and to make Turkey act in future as the complete vassal of Russia. Be it observed, and this I think hon. Members should always bear in mind, that when the Emperor of Russia and his Minister say that it is not the policy of Russia to destroy the integrity of Turkey, I believe that that declaration is a sincere one to a certain extent. I believe that the object of Russia has been not at present to force on the conquest and partition of Turkey, but that she would rather have delayed that conquest and partition for some time, and that her intentions in the present year were to degrade Turkey still more than she had been degraded before by successive wars and treaties on the part of Russia, and that she hoped by some means—whether by menace or force, or by means of costly and lavish diplomacy—to obtain from the Sultan concessions which would render him completely subject to Russia; so that if at any time after he should put forward his just claims, or should show any disposition to throw off the burden, that then Turkey would have become so utterly prostrate and helpless that the final conquest of the country would be an easy task. Such would, I believe, have been the policy of Russia. But when Prince Menchikoff endeavoured to carry that policy into effect, we had sent to the same place the person the best qualified in all Europe to meet such pretensions, and to counteract such efforts,—we sent out the nobleman to whom I have already alluded, Lord Stratford de Redcliffe, to Constantinople, and be it observed, that if we wanted to have her subservient to Russia—if we had

wanted to compliment away the independence of Turkey, as my hon. Friend seems to suppose—if we had wanted to rely to the utmost upon what would have been the ultimate will of Russia—we should not have sent to Constantinople a nobleman who was known beyond all other men for his attachment to the cause of the independence of Turkey, who had always given her the wisest counsels, and who had endeavoured more than any other man to give to her that internal force and strength by which her commerce and independence would be most effectually sustained and enlarged, and by which its state of dependence on Russia might be changed into one of complete independence. Well, Sir, events soon after took the course which, from the character of Lord Stratford de Redcliffe, might have been expected. Prince Menchikoff made one demand after another, with the view, as he stated, of softening those demands and making them less stringent to Turkey. At last, without adopting what I think the plan which Russia was bound to have taken towards Turkey, and saying, “These are the stipulations which we are desirous of having from you, but we have no right to force them from you if you think they trench at all upon your independence”—instead of taking this course—a course which not only all men of other nations, but even many of the Russians themselves, think would have been the proper course, Prince Menchikoff determined to break off all relations, and to go back to the Russian Emperor. It has been said most strangely that when this took place, and when the Emperor of Russia threatened to occupy the Principalities, no protest was made by the Government of this country. But not only was there a protest—not only was there a demand made in the first place in the department of the Earl of Clarendon—but what was of ten times more value than that was, that within ten days after this, when Prince Menchikoff left Constantinople, there was an order sent out to Lord Stratford de Redcliffe, placing at his disposal, for the purpose of coming up to the neighbourhood of the Dardanelles, the British fleet, and there was, at the same time, an order sent to the Admiralty to send Admiral Dundas to the neighbourhood of the Dardanelles for that purpose. Now the hon. Member for Aylesbury expressed a doubt in one part of his speech as to what it was that their fleet was sent to protect—whether it was British in-

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terests or those of the Sultan. The despatch sent by the Earl of Clarendon to Lord Stratford de Redcliffe on the 31st of May, after stating that we were not yet fully informed of the final issue of the mission of Prince Menchikoff, goes on to say:—

“Nevertheless, the departure of Prince Menchikoff, followed by the entire Russian mission, is a fact in itself of such grave importance, the military preparations of Russia on the Turkish frontier are upon a scale of such vast magnitude, and the danger which threatens the Porte may be so imminent, that it appears indispensable to take measures for the protection of the Sultan, and to aid his Highness in repelling any attack upon his territory.”

It was external, therefore, and not internal danger that was to be arrested.

“I have, accordingly, to inform your Excellency that, by Her Majesty's commands, the fleet now stationed at Malta is placed at the disposal of your Excellency, and that orders will be sent to Admiral Dundas to conform to the requisitions he may receive from you, and to repair to such place as you may direct in the event of your considering the presence of a British force absolutely essential to the safety of the Turkish empire.”

Now, Sir, could any written despatch have protested in more eloquent words, or with greater firmness and decision, than the transmission of such orders to Lord Stratford de Redcliffe and to the British Admiralty? I stated at the time, in this House, that the British fleet was sent to the neighbourhood of the Dardanelles in order to give a proof of the interest which Her Majesty took in maintaining the independence and integrity of the Turkish empire. It was, therefore, clear to Russia, and to the whole world, that we meant, in case Russia should proceed in her unjustifiable demands, and enforce them by her armies, that England meant, in conjunction with France, to oppose such pretensions, and to resist such force. When this took place—and I must add to this, that so far was the Russian Court from thinking that we were acting in complete blindness with respect to her designs, that it complained, in a circular transmitted throughout Europe, that we had made a threatening demonstration against Russia by the movement of the British fleet to the vicinity of the Dardanelles, thereby showing it perfectly understood from that movement—though it applied most unjustly and most untruly the argument derived from the fact—what were the intentions of the British Government.

The next question that arose was, whether the entry of Russian troops into the Principalities should be considered as a



cause of war, and acted upon as such by Turkey and her allies? Well, Sir, upon that question we can again have no better authority, as I conceive, than that of Lord Stratford de Redcliffe. We thought—and that, too, was the opinion of Lord Stratford de Redcliffe—that, unprepared as Turkey was at that time to provoke hostilities with Russia, she ought not to say—as she undoubtedly had the most perfect right to declare—that the entry into the Principalities was a *casus belli*. We thought that Turkey by so acting would be exposed to very great danger. We could not conceal from ourselves all along, with respect to this argument used against us, that, comparing the force of Russia, as it had been collected, organised, and disciplined, for many years—above half a million of men kept continually in arms, and drilled with the greatest skill and regularity—and the position of Turkey, on the other hand, as we all knew it to be, with the bad state of her finances, the small amount of her armies, the disaffection which she might have to fear, owing to the activity of Russian emissaries—we could not, I say, conceal from ourselves that if Turkey, unprepared, was to rush into that war, it could not but be a very unfortunate course for her to adopt. Lord Stratford de Redcliffe took the same view of the subject, and, knowing the position of Turkey as it then was, he said that, for two purposes—first, that of endeavouring to negotiate peace, and, in the second instance, for the purpose of preparing for the course of events which might arise—it was not advisable for Turkey to declare war upon the occasion of the entry of the Russians into the Principalities. Would it have been wise for the allies of Turkey, in this case, who were not exposed to the dangers which threatened that country, to advise her to expose herself to this risk, when her best friends thought it was unadvisable and injudicious. This I conceive a sufficient justification for not immediately declaring that we would precipitate hostilities, or that we would warn Russia that war was to have followed immediately upon her entry into the Principalities. It is very easy for any person at any part of these negotiations to say, “Oh, but if you had but taken a different course, and told the Emperor of Russia that you would at once have gone to war, he would not have entered the Principalities, he would have hesitated before doing so.” There is no authority for saying, that if we had done so and so another person would have done

so and so; no proof can be given that such would have been the case, and no person can be sure but that with respect to the entry into the Principalities, such a course as that suggested might not have been more likely to have assisted than prevented the object in view. It is more than probable that Russia would have considered it such an affront to her dignity as to have led her to enter the more quickly into a war to which she was thus provoked.

We then come to the negotiations with respect to the Vienna note; and here I must say, with respect to the one or two words used in that note, and referred to by the hon. Member for Aylesbury, that I am not going to defend the phraseology of that note. My right hon. Friend the First Lord of the Admiralty has explained that it was no note of ours—it was not our framing; but with respect to the spirit of the Vienna note, and the intention with which it was framed, I am quite ready to defend it. I think a single illustration will place the spirit in which that note was framed in a correct point of view. If you find a friend of yours possessed of no very great means and threatened with some most extravagant and expensive lawsuit by a man of 50,000*l.* or 100,000*l.* a-year, you may very well say to him:—“I see you are right. I think that very possibly you might be able to show that you were in the right in this cause; but it is probable, while he will have the means of prosecuting his suit, that you may be ruined in the process, and, therefore, some concession beyond your absolute and strict right may well be made by you in this case.” I think that was the sort of spirit in which the allies of Turkey advised her to sign the Vienna note; and, for my part, seeing the dangers to which Turkey was exposed, I think it was good and wise advice that she should sign that document, though she was not absolutely compelled to do so. But, Sir, from the moment that Count Nesselrode had affixed a meaning to that Vienna note—from the moment that he showed that if that note had been signed he would have considered it equivalent to that note which the Emperor of Russia's Ambassador had presented at Constantinople, we not only ceased to urge Turkey that she should agree to and sign that note, but we took more vigorous steps, in order, if necessary, to support by force the independence of Turkey. The fleet was ordered to leave the Dardanelles, and go into the Bosphorus; and on the 8th of

October, orders were given that that fleet should protect the coasts of Turkey on the Black Sea, both on the European and the Asiatic side.

I come, Sir, therefore, now to another step in these transactions. I come to what occurred on the 30th of November, at Sinope. The orders given to the Ambassadors and Admirals were what I have stated. The Ambassadors thought that it was advisable that a certain number of ships should go into the Black Sea; that they should visit Varna and the mouth of the Danube; and, in short, should take means to observe well what was going on in the Black Sea. It so happened, however, at that moment that the French Government displaced their Ambassador at Constantinople, and sent another Ambassador, General Baraguay d'Hilliers, in his place. The French Admiral declined to take the orders of an Ambassador who was about to leave Constantinople, and the Ambassador who followed did not think it advisable to take the course which the English Ambassador had desired Admiral Dundas to pursue. This was a misfortune, and we know that the ships that were left at Sinope were, in consequence, exposed to that dreadful calamity which overtook them. But I do not think that, under the circumstances, any party was much to blame in the affair; because I do not believe that it would have been possible to provide against every occurrence which might take place in that state of affairs in the Black Sea. It would not have been consistent with the safety of the fleet to disperse it in various parts of that sea; and, if it had been all sent to Sinope, some attack might have been made on Varna. It was a matter for the exercise of the discretion of the Ambassador; and I do not believe that he was in fault in not insisting upon his orders, seeing that he could not obtain the concurrence of the French Ambassador and Admiral. The disaster that took place at Sinope was one which must have afflicted every man in this country with the most painful feelings. Sir, I must own I was greatly surprised at reading the congratulations which were addressed by the Emperor of Russia to his officers and his Admirals upon the receipt of the intelligence of that affair. That the destruction and butchery inflicted by some six or seven large line-of-battle ships upon six or seven frigates of very inferior size—that a victory pushed to the extent of the most dreadful carnage, without any sort of

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generosity being shown in the use of the advantages possessed by a vastly superior force—that that should be a source of glory to Russia—that it should be any reason for congratulation from a Sovereign to his subjects, did, I own, strike me with a feeling of the greatest disgust and astonishment. Sir, that event was as deeply felt in France as it was here; and, in consequence of it, orders were given to the Ambassadors at Constantinople that the English and French fleets should take the command of the Black Sea—that they should not only protect the flag of Turkey, but should likewise prevent reinforcements being sent from one Russian port to another, and that wherever they found a Russian ship of war they should send her back to Sebastopol, or to the nearest port. It is impossible to deny that the operations contemplated by these orders amount as nearly as possible to warlike operations as it is possible for any operations to do. There have been, in the course of the last twenty years, in Europe, transactions somewhat resembling it. Our blockade of the Texel, the French siege of Antwerp, the French occupation of Ancona, the battle of Navarino, and various other transactions, have been carried on without a declaration of war. But, seeing the nature of the orders issued by the French and English Governments, no one can be surprised that the Emperor of Russia should withdraw his Ambassadors both from London and Paris.

But this brings us, Sir, to the present situation, which has been justly described as one upon the brink of war. I have stated as shortly as I could, without argument and without quotations, the general course which the British Government has pursued. We have now to consider the prospect before us, and what remains to be done. With regard to diplomatic correspondence—with regard to terms of peace—there were terms proposed by the Ambassadors of the four Powers at Constantinople—terms very nearly assented to—assented to in such a manner at Constantinople as to be sent to Vienna by those representatives, and to be adopted and approved at Vienna by the conference of the four Powers. Sir, it does not appear to me that those terms were either derogatory to the dignity of Turkey, or were they such as were at all unbefitting the Emperor of Russia to accept. What course did the Emperor of Russia pursue? Be it remarked that he was reported to have

said at Olmutz—I do not wonder at the declaration—that he had been asked to agree to the Vienna note, and it afterwards appeared that Turkey would not agree to it; that he thought it unreasonable to put him in such a position; and that he hoped, when next terms of peace were proposed, they would be such as Turkey would be sure to accept. Well, the four great Powers had exerted themselves to obtain them. But when these propositions arrived at St. Petersburg, in the first place no formal and regular answer was given to them; and in the second place counter-propositions were transmitted to Vienna, without taking any formal notice of the propositions sent to St. Petersburg. Now, I must say, that, considering that these Powers—England, France, Austria, and Prussia—representing all the great Powers of Europe with the exception of Russia—that these terms were proposed with the view to prevent a bloody and costly war extending all over Europe—considering all this, I say that the course taken by the Emperor of Russia showed a total disregard of the peace of Europe, an utter contempt of the opinion of Europe, and a disregard of those Sovereigns with whom he had been in alliance. Instead of any acceptance of these propositions, other propositions, which shall shortly be laid upon the table of the House, were sent to Vienna; they contained propositions which were very much like a repetition of the old demands of the Emperor of Russia, with the addition of other demands, one of which was that the refugees of different nations should be expelled from Turkey—an article no doubt intended to weaken Turkey, and one which would be a fertile source of remonstrances and of occasions for war whenever it might please the Emperor of Russia. Count Buol, the Austrian Minister, communicated those propositions to the Conference, but declared expressly that he did not recommend them for adoption.

I come now, Sir, to the letter which was addressed by the Emperor of the French to the Emperor of Russia. I was asked yesterday whether that letter was a genuine document. There is no doubt, Sir, that letter is a genuine document, and it is an attempt made by the Emperor of France and the Government of France to induce the Emperor of Russia to reconsider his determination to evacuate the Principalities which he had wrongfully occupied, and—not to conclude a treaty, not

a separate negotiation, as my hon. Friend (Mr. Layard) supposed—but to draw up articles with a Turkish plenipotentiary, which were afterwards to be submitted to a conference of the four Powers. For my own part, I should say that in point of dignity the entrance of Russia into the conference of the six Powers would be more becoming her dignity and position than the submission of her treaty with Turkey to the approbation of the four other Powers. At all events, there is no concession to Russia in the propositions thus made. I will not attempt to say that I entertain the hope that the Emperor of Russia will accede to that proposition, or that he will abstain from enforcing, with all the power of Russia, those unjustifiable demands which he has hitherto made against Turkey. What, Sir, must then be our position? There can be but one position for us. It must be on the side of Turkey, defending her against that aggression. If I am asked further, before entering upon this Committee of Supply, what are the means to which we look forward; and in the terms of the hon. Member for Inverness (Mr. Baillie), what are the engagements we propose to make, I should say that in the first place there has been an exchange of notes between England and France, promising to co-operate together in giving that assistance to Turkey, and declaring on the part of both Powers that no selfish interest—no increase of territory or power—is sought by either nation in the prosecution of this design. Such is the nature of the engagement into which the two great Powers have willingly entered. They feel that the cause is one, in the first place, of the independence of Turkey—a Power which has been most cruelly outraged—a Power which has resisted in the Cabinet with firmness and great ability, the unjust demands of the diplomatic Ministers of Russia—which has also resisted on the field, with courage and with skill, the attacks of the armies of Russia. But, Sir, this cause involves still more. It is to maintain that peace of Europe of which the Emperor of Russia is the wanton disturber—it is to throw back upon the head of that disturber the consequences which he has so flagrantly and, I believe, so imprudently invoked—it is to maintain the independence, not only of Turkey, but of Germany and of all European nations. The state of Germany for these few years past has been one, in which they were not, it is true, dependent

upon the Emperor of Russia, but still one in which their independence was not very loudly asserted. I could not but think, on reading the account of the transaction which took place last year in Paris, that there was too much acquiescence on the part of the German Powers in the unjustifiable pretensions of Russia. The House is already aware—and I have already had occasion to refer to the circumstance, with that commendation which I think is due to the noble Earl—that when the Earl of Malmesbury found that the Emperor of the French meant to be faithful to the engagements of the country over which he was called to reign, and that his object was to maintain the peace of Europe, he (the Earl of Malmesbury) declared on the part of this country the Queen's ready and willing recognition of that new occupant of the Imperial Throne. But the Powers of Germany acted very differently. They thought it advisable to wait until the Emperor of Russia had declared his mind upon the subject. The mind of the Emperor of Russia was that the Emperor of the French might be acknowledged, but that, not being descended from a line which had for centuries occupied the Throne, the Emperor of Russia could not call the Emperor of the French his "brother." The Emperor of the French had too much good sense to attach any very great importance to whether he was called "My good friend," or "My brother," but the Powers of Germany one and all desired their Ministers to wait at Paris, and not to recognise the Emperor of the French until they were sure that this unusual form of recognition by the Emperor of Russia had been received; so that if the Emperor of the French had chosen to say, as he had full right to do, "I will stand by established forms—I will not have those forms departed from in my case—and I consider it part of my dignity to maintain them"—not one of those Powers of Germany, who were all ready to recognise him and to call him their "brother," would have recognised him at all. Well, Sir, I say, that shows that the state of Germany is not one of such complete independence as one would wish to see. But I cannot help thinking—and, indeed, the symptoms of it are increasing every day—that this violent attempt on the part of Russia—this violation of right and justice—has aroused, both in Austria and in Prussia, a sense that they must in future consider the welfare of Europe, and not merely the preservation of

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the friendship of the Emperor of Russia. My belief is, therefore, although we have no engagement with them—and I state plainly to the House they are not bound with us in any manner to resist this attempt of Russia—that that great nation, divided, as it may be, into separate States, will feel too much the importance of its position—with its 35,000,000 of people, with its enlightenment, with its civilisation, and the importance of maintaining its independence—not to take care that the aggression of Russia does not become so formidable as to threaten the independence of that great Germanic Power. I believe, therefore, Sir, that in undertaking this contest, if we have not the immediate assistance of Austria and Prussia, they will look on with a view, not to aid Russia—not to engage themselves to Russia—but, on the contrary, to use all their influence, and, if necessary, their arms, to stop her in her attempted progress of conquest and aggrandisement.

Sir, I have said we have an engagement with France. We have now proposed to make an engagement with Turkey, by which we should be sure, in addition to the provisions which are necessary in such cases, that Turkey will not agree to any peace while we are giving her our aid and assistance, without our consent and concurrence. That engagement with Turkey is not completed, but I can have no doubt, from the manner in which the affairs of Turkey have been lately conducted, that she will willingly accept the aid and assistance which England and France can give her upon the condition that I have stated. And here, Sir, let me say, in entering upon this contest we shall have the greatest confidence in, and reliance upon, our French ally. The conduct of the Emperor of the French during the whole of these transactions—during a whole year of intimate and daily intercourse with the Government of this country—has been so loyal, so frank, so straightforward, that it is impossible not to place the utmost reliance upon his sincerity and good faith.

Now, Sir, with respect to the exertions it may be necessary to make—I do not speak of efforts that may hereafter be requisite, but at the very first beginning of this struggle—we shall think it necessary, in the estimate for the year, to add no less than 3,000,000*l.* of money to the amount which was asked last year from Parliament. In saying that this is a large increase in our establishments of navies and of armies, I



the First Lord of the Admiralty has said, and which I said in the beginning of my speech, that these resources are necessary; but if you think that the direction to be given to them can be better given by other hands, declare so by some early vote, and place the direction of the resources of this Empire in those more skilful and more able hands. If, however, you do not take that course—if you confide them to us—we shall expect that confidence in allowing us to carry on those hostilities according to the best of our judgment, without which no such contest can be conducted to a successful issue. Recollect, that success in war depends upon secrecy—depends upon combination—depends upon rapidity—and that it is inconsistent with explanations upon the operations of the war. I am not asking too much, therefore, when I ask you to adopt one or the other of those alternatives—either to place the Government in other hands, or, confiding it to ours, to give us that confidence which will enable us to carry on the contest with vigour, and according to the best of our judgment. Sir, it is not to be forgotten that war brings with it increased burdens. Let no man suppose that we can enter upon a struggle with the empire of Russia in support of a Power comparatively feeble, without making considerable efforts, and without calling upon the people to bear burdens greater than they have had to sustain during the time we were at peace with all the world. If they are not prepared to bear those burdens, let them not enter into this war; but let them, if they do enter into this war, endeavour to carry it to a successful issue. For my part, if most unexpectedly the Emperor of Russia should recede from his former demands, and, at the sight of all Europe disapproving of his conduct, and two of its most considerable nations prepared to act in arms against him, he should acknowledge the independence and integrity of the Porte, in the only manner in which it can be satisfactorily done, I shall, and we shall all rejoice to be spared the pain, the efforts, and the burdens of this war. But if that is not to be done—if peace is no longer consistent with our duty to England, with our duty to Europe, with our duty to the world—if the ambition of this enormous Power has got to such a pitch that even its moderation is more ambitious than the ambition of other States—if Russia will not be content with anything less than the subjugation

may repeat that which my right hon. Friend tion of the whole empire of Turkey, and the possession of Constantinople itself—if such are her feelings, and such are her objects, then we can only endeavour to enter into this contest with a stout heart. May God defend the right! and, I, for my part, shall be willing to bear my share of the burden and the responsibility.

MR. CROSSLEY said, the friends of peace were undoubtedly in the minority with reference to this question, but a time might come when they would be in the majority. He believed that the interests of this country, in the first instance, would be best promoted by stating to Turkey that we were ready to give her the benefit of our advice and mediation, but that we positively declined to interfere by force of arms in this matter. England was not a part of continental Europe, and ought not, therefore, to entangle herself with European politics. Deprecating war as a great evil, still he admitted, with the noble Lord the Member for the City of London, that if the impending war should come, it ought to be prosecuted with vigour and rapidity, and the supplies necessary for so carrying it on ought to be readily furnished by the people of this country. He did not, however, think that war was incompatible with the progress of the Parliamentary reform which had been proposed by the noble Lord the Member for the City of London.

MR. BAILLIE moved the adjournment of the debate.

LORD J. RUSSELL: I hope, Sir, the House will, on this occasion, before it separates, agree to the Vote for the number of men that we think necessary for enabling this country to carry on vigorously any war that may be commenced against Russian aggression. Of course, on any other occasion the Government would be quite willing that any charge against them should be amply discussed on the question for the House resolving itself into a Committee of Supply; but I trust that on the present occasion the House will not separate without granting the number of men to be voted for the Navy which are necessary for increasing the strength of this country.

MR. DISRAELI: Mr. Speaker, we are not responsible for the debate that has taken place this evening. I admit my own opinion was that, considering the importance of the occasion, and the documents that have been placed upon the table, it was quite impossible the Go-

vernment should suppose that some discussion should not have taken place on these transactions. In fact, it is due to the House and to Her Majesty's Ministers themselves that some discussion should take place. Had this point been more under my control, I would have consulted the convenience of Her Majesty's Government, as to the moment when that discussion should have taken place; had the hon. Gentleman (Mr. Layard) not brought forward the subject, I would have felt it to be my duty to convey to the noble Lord my conviction—a conviction which I think he must share—that a discussion should take place on the papers on the table; but still I should have been ready to meet the wishes of the noble Lord generally as to the mode and the moment of discussion. But, Sir, circumstances are now changed by what occurred this evening. A gentleman with whom I have not the honour to act in public life, and with whose intention I had not the slightest means of becoming acquainted until I heard it mentioned in the House, has brought the whole question before the House, in a speech which justly commanded the attention of his hearers. But how has that speech been met by Her Majesty's Government? I do not refer to the speech which we have just heard from the noble Lord, and which was worthy of himself and the occasion. I differ from the noble Lord in some of the positions which he laid down, and in some of the conclusions which he drew, and I should be perfectly ready, on the proper occasion, to endeavour to show that I was justified in the differences that I entertained, but the tone of the noble Lord was, I repeat, worthy of the occasion, and was made with due respect to the hon. Gentleman who introduced the subject. But how was that speech met by the Minister of the Crown who first rose to address the House? The first observation of the right hon. Gentleman the First Lord of the Admiralty was to cast contempt and contumely upon the important diplomatic documents that have been placed upon the table of the House of Commons. Why was it that the House was graciously addressed respecting them by Her Majesty a fortnight ago? It was communicated by Her Majesty in Her Gracious Speech, with all the solemn emphasis of the occasion, that after a year of agitating negotiations concerning the

*Mr. Disraeli*

most important events of human nature—peace and war—the papers relating to those negotiations should by Her Gracious Majesty's indulgence, be laid upon the table. Her Majesty deigned to inform us that the papers explanatory of the negotiations that took place on the subject should be communicated to us without delay. What was the object of communicating those papers to us without delay? We are told by the First Lord of the Admiralty that the House of Commons is not to potter over blue books. But why, Sir, are there such things as blue books? What is the intention of those state secrets and those important documents being placed upon our table, and being submitted to our consideration, if, on the first occasion that presents itself to offer an opinion, a Minister of the Crown rises and tells us that we are not to potter over blue books? Sir, the question has been brought before us to-night in a manner not unbecoming its importance. The noble Lord has just uttered a speech laudable, as I said before, for its tone, but still full, in my opinion, of fallacious statements and untenable positions, and I think it is but fair, as there must now be a discussion, that the discussion should take place continuously. The noble Lord says, it is important to the public service that the Vote for the number of men should be taken without loss of time. I should wish that it could have been taken without any discussion whatever, and had it rested with me, I would not have opposed it; but, placed as the question now is, it will be more convenient to the House and more satisfactory to the country, that the discussion commenced to-night should be concluded before we enter into Committee of Supply. So far as the influence of our example may be exercised on foreign nations, foreign nations will know, from the tone of the British Parliament this night, that there will be no difference of opinion as to the number of men that will be voted, or with respect to anything that may be requisite to afford support to Her Majesty's Government in the prosecution of a just war. Certainly, after what has occurred, I must say that the Motion—which has been made by an hon. Gentleman—that this discussion may be adjourned, that it may be concluded, as I doubt not it will be, on the next night, seems but fair and reasonable.

LORD JOHN RUSSELL: Sir, I may be allowed to say that the declaration the

right hon. Gentleman has just made is a most important one, namely—the assurance, for himself and those who act with him, that there will be a general feeling to support the Vote for the increased number of men, and for those measures which may be necessary for the public service. After that declaration, I can have no objection to consent that the discussion should be postponed.

Debate *adjourned* till *Monday* next.

The House adjourned at half after Twelve o'clock till *Monday* next.

## HOUSE OF LORDS,

*Monday, February 20, 1854.*

### TESTAMENTARY JURISDICTION BILL— ECCLESIASTICAL COURTS (IRELAND).

THE MARQUESS OF CLANRICARDE said that he rose to put a question to the noble and learned Lord on the woolsack, upon a subject relative to Ireland. The noble and learned Lord had introduced a very important Bill for the reform of the ecclesiastical courts in this country. Of course, as the Bill had not yet been discussed by their Lordships on the second reading, he did not wish to pronounce any opinion upon it; but he believed there existed an unanimous desire for the reform of the ecclesiastical courts, both in this country and in Ireland also. He therefore begged to ask the noble and learned Lord whether it was proposed to extend the provisions of the Bill, which was then on the table of their Lordships' House, to Ireland, or whether it was intended to introduce any Bill of a similar nature, to reform those testamentary courts which existed in Ireland?

THE LORD CHANCELLOR said, that the present Bill certainly did not extend to Ireland. The Commissioners, in their report, expressed their opinion that it would be inconvenient to unite England and Ireland in the same jurisdiction; and he (the Lord Chancellor) thought he saw incalculable evils in attempting to embrace the two countries in the provisions of this Bill. The measure was therefore confined to England only. With regard to whether it was intended to introduce a Bill of a similar nature for Ireland, he had had the matter under consideration, and he should feel no hesitation in doing so if, upon looking into the case, it should appear that a similar

necessity for reform existed in the ecclesiastical and testamentary courts in Ireland. His present impression was that there was such a necessity; and he believed some measure would be prepared, and probably in the course of the present Session. He must, however, be understood not to pledge himself upon the point, until he had had an opportunity of looking into the subject more minutely.

LORD BROUGHAM said that, while he thought it would be highly inexpedient to extend the sphere of the present Bill beyond England, yet he believed there were quite sufficient reasons for a measure of a similar kind as regarded Ireland; of course, with such changes as local circumstances might render necessary.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Monday, February 20, 1854.*

MINUTES.] NEW MEMBER SWORN.—For Devon (Southern Division), Lawrence Polk, Esq.  
PUBLIC BILL,—1<sup>o</sup> Property Qualification.

### THE CHRISTIANS IN TURKEY— QUESTION.

SIR JOHN WALSH said he wished to ask the noble Lord, the Member for London, whether Her Majesty's Government had received any official information of the breaking out of an insurrectionary movement on the part of the Christian subjects of the Ottoman Porte; and if so, whether they had reason to suppose that that movement had been fomented or instigated by the Government of the King of Greece?

LORD JOHN RUSSELL said they had received information some days ago, of the breaking out of an insurrectionary movement in Albania; but they had no information which could lead them to conclude that that movement had been fomented by the Government of the King of Greece, although some persons connected with it had at one time been residents in that country.

### THE PROCLAMATION AGAINST THE EX- PORT OF ARMS, AMMUNITION, &c.

MR. BRIGHT: Mr. Speaker, I wish to put a question to the noble Lord the Member for the City of London, with respect to the Proclamation which was issued by the Privy Council on Saturday last. I find that that Proclamation, after referring to "arms and ammunition," proceeds as follows:—

"Marine engines, screw propellers, paddle-wheels, cylinders, cranks, shafts, boilers, tubes for boilers, boiler plates, fire-bars, and every article, or any other component part of an engine or boiler, or any article whatsoever which is, can, or may become applicable for the manufacture of marine machinery, shall be and the same are hereby prohibited either to be exported from the United Kingdom, or carried coastwise."

Now it is well known to many Members of this House that there are large contracts at present in the course of being completed by firms in this country for almost all the countries in the world other than Russia. I have heard, for instance, that there is an order here for the construction of about 500,000*l.* worth of machinery for Denmark; and to some extent similar engagements have been entered into with parties in almost every other country in Europe, as well as in the United States of America. Then again I am told that there is a firm at Ipswich which is constantly in the habit of sending coastwise steam engines and boilers for agricultural purposes in this country. The business transacted in that branch of trade to which this Proclamation refers is very extensive; it gives employment to a large number of persons, and there is embarked in it a considerable amount of capital, and I take it for granted that the Government do not wish that there should be any uncertainty with regard to the precise meaning of the Proclamation. I should be glad, therefore, if the noble Lord would say whether the Proclamation is to be taken in the broad meaning which the words imply, or whether the Government intend to issue any notification by which trade may, as far as possible, be set free? There is another ground on which the parties engaged in that branch of manufactures wish to be made acquainted with the intentions of the Government. [*Cries of "Order."*] Well, I will not state that ground. But the House will easily understand that these parties will be damaged by the fact that all other countries can be supplied to any extent with those machines by the United States of America and by Belgium, and that our manufacturers would thus be exposed to a considerable disadvantage in their competition with foreigners.

MR. J. WILSON: Sir, as this is purely a Treasury question, and as the whole of these arrangements have taken place at the Treasury, it will, perhaps, be more convenient that I should answer my hon. Friend. The cause why this Proclamation was issued arose out of the following cir-

*Mr. Bright*

cumstance:—in the middle of last week the Commissioners of Customs reported to the Treasury that a very large quantity of arms and ammunition were entered for exportation to Odessa. They thought it necessary to call the attention of the Treasury to the fact, and it became the immediate duty of the Treasury to consider with what power the law armed them to prevent that exportation. We were then advised by the Solicitor to the Customs that there was but one course properly open to us, and that was to avail ourselves of a clause in the Act passed last year for the consolidation of the Customs Acts. That clause empowers the Government to prevent at any time by a Proclamation or Order in Council the exportation of arms and various other articles to which my hon. Friend has alluded. We determined on adopting that course, for the purpose of preventing that and similar shipments. I ought to inform the House, that we have already taken steps empowering the Commissioners of Customs to instruct the whole of their Comptrollers, in the various ports of the United Kingdom, to act upon this Proclamation only in cases where they were not satisfied by the documents exhibited by parties who wished to make shipments of such goods, ammunition, or stores, that they were intended to be shipped to a country to which we could not possibly object. We had only a general rule to follow, and we could only enforce that rule by making it in the first instance applicable to all cases and to all countries without exception. To-morrow a Treasury order will be issued from the Custom-house, and will be promulgated throughout the whole of the United Kingdom, to the effect that no shipment of machinery or stores is in any way to be interfered with, unless there should be strong presumptive reason for concluding that they were intended for parties who are fighting against this country or the allies of this country.

MR. BRIGHT: Am I to understand that this Proclamation does not apply to shipments to any other port than the ports of Russia?

MR. J. WILSON: That is not exactly what I said. I will state a case which took place to-day, and which will show my hon. Friend what is the course which we mean to pursue. There was a vessel called the *Gem* entered for Alexandria, with a quantity of the machinery used in propelling steam-vessels. The Commissioners of



Customs called on the parties who were sending that machinery, to furnish them with some satisfactory proof that it was destined for Alexandria. Those parties at once produced an order from an agent of the Pasha of Egypt, showing that the goods were intended for him; and no objection was then made to their shipment. In any other case of the kind goods can be forwarded without the slightest difficulty.

RUSSIA AND THE PORTE—ADJOURNED  
DEBATE (SECOND NIGHT).

Order read, for resuming Adjourned Debate on Question, "That Mr. Speaker do now leave the Chair."

Question [Feb. 17] again proposed.

Debate resumed.

MR. COBDEN: Mr. Speaker, it has been sometimes alleged against me that I am accustomed to speak to this House as though I were addressing the country. Now I can say upon this occasion, with unfeigned sincerity, that I would sooner address this audience than any other with which I am acquainted upon the important and serious question which we have now before us; because I do not believe that there is in the Kingdom an assembly more deeply impressed with the gravity and importance of the question, or more disposed to approach its discussion with that earnest consideration which its magnitude demands. Nor should I venture to address the House at all on the subject of a war with Russia, if the issue before us were one simple and intelligible to all, and the means to be employed as well as the end which is contemplated in carrying on the war, were clearly intelligible to myself. But it is because, even after the explanation of the noble Lord the Member for the City of London, who addressed us on Friday, and whose speech, I must say, reminded me of the trumpet blast before a shock of arms—even after that speech, when I expected to find some explanation of the exact objects of the war into which we are about to enter, and the means by which it was to be carried on, I am, I confess, still in ignorance upon several points in connection with the subject. It is not to speak upon abstract principles of non-interference, or upon abstract questions of peace, that I rise to address the House; but with reference to the points at issue between Turkey and Russia, and of the war between England and France on the one side, and Russia upon the other. If the House will condescend to give me its attention for a

short time, I will promise strictly to confine myself to the practical question in hand. In order that we may perfectly understand the subject we are discussing, it is necessary to begin at the beginning, because we have been so much excited on this question—our passions have been much appealed to against the acts of Russian aggression upon Turkey, and we have so constantly considered the conduct of Russia as an affront offered to ourselves, that we appear to have forgotten the origin of this unfortunate dispute. I must call to the recollection of the House, therefore, that in 1851 a gentleman presented himself at Constantinople, on behalf of the French Government, and made demands for certain privileges to be conceded to the Latin or Catholic Christians. That gentleman represented the French Republic at that time. We probably have not forgotten that M. Lavalette's demands at Constantinople startled us almost as much as those of the celebrated Menchikoff did afterwards, by his rude appeal to force for the concession of the demand he then made upon the Turkish Government. That is the origin of all the subsequent proceedings in reference to the Holy Places. That I may not appear to rest this assertion upon my own authority, I will read an extract from a despatch sent by the noble Lord the Member for the City of London, who was then Secretary of State for Foreign Affairs, to Lord Cowley, on the 28th of January, 1853. The noble Lord states:—

"But Her Majesty's Government cannot avoid perceiving that the Ambassador of France at Constantinople was the first to disturb the *status quo* in which the matter rested. Not that the disputes of the Latin and Greek Churches were not very active, but that without some political action on the part of France these quarrels would never have troubled the relations of friendly Powers. In the next place, if report is to be believed, the French Ambassador was the first to speak of having recourse to force, and to threaten the intervention of a French fleet to enforce the demands of his country. I regret to say that this evil example has been partly followed by Russia, and although the report of the march of 50,000 Russian troops to the Turkish frontier appears to have been unfounded or premature, yet it is but too certain that if the quarrel is prolonged, the Emperor means to support his negotiations by arms." [No. 76.]

In a despatch to Lord John Russell, dated St. Petersburg, Jan. 6, Sir Hamilton Seymour says:—

"I believe that I may state to your Lordship that measures have been taken by the Russian Government to ensure the 5th *corps d'armées* being

placed in a state of preparation for active service. I propose taking an early opportunity of speaking to the Chancellor upon the object of the information which I now feel authorised in submitting to your Lordship, with the observation, that I cannot help connecting these military preparations with the threat partly made by the French Government, of sending an expedition to Syria in the event of satisfaction not being obtained for the claims of the Latin Church." [No. 64.]

These two documents show clearly that even twelve months ago it was the opinion of our statesmen that it was France—the French Republic, under the French President—who probably at that time had some expectation of being one day Emperor, and who thought, no doubt, that he might make a little "political capital," as it is called, by going to Turkey and making peremptory demand for privileges to Latin Christians—it was, I say, at that time fully believed that the French Government commenced the proceedings which have now led to this disastrous issue. Now, let it be borne in mind that it was because the Turkish Government had made some concessions to the French Government upon the subject of the Latin Christians, and thereby changed the *status quo* in which that question formerly was, that Russia intervened and put forward her claims for similar concessions to be made to her. It is true, as we are told, that in the case of France she made a most handsome withdrawal of her demands, when she found that the question was likely to become one of great political difficulty. But still the fact must be borne in mind, that the origin of the first movement of Russia is traceable to the proceedings of France in that matter. Russia made certain claims with respect to the privileges of her religious sects at the Holy Places, with reference to the cupola, the porters attending the door of the Holy Sepulchre, the key of a certain door, crosses and stars, and other matters. It is heartsickening to find, upon a quarrel concerning the very tomb of Christ himself, that now in our day Europe is to be deluged with blood. Why, it is enough to confirm the doctrine of the Cynic, that we are not progressive beings—that we move in cycles of instinct, which, after a lapse of 700 or 800 years, lands us back again at the time of the Crusades, or something worse; for we are not now going to fight, as then, against the Mahomedans on behalf of the Christians, but in favour of the Mahomedans and against the Christians. Russia, however, intervened and claimed certain privi-

Mr. Cobden

leges for her co-religionists at the Holy Places, and, enlarging her demands, claimed a certain protectorate over a great body, composed of the Christian population among the subjects of the Porte. The exact nature of the demands upon which the present issue hangs was to be found in the Sultan's Proclamation, dated July 13, 1853. "The real cause," said the Sultan in that document—

"Of the existing dispute with Russia is the desire of that Power to obtain a binding and exclusive engagement from the Porte concerning the religious privileges of the Greek churches and priesthood, which the Porte cannot in justice be expected to give. It has been repeatedly declared, in a friendly and sincere manner, that the Porte did not refuse to give assurances sufficient to remove the doubts on which the Russian Government establishes this dispute, in the same manner as the Porte can give assurances to the whole world in a matter so firmly settled; and that, whereas, if one Government should enter into an engagement, having the colour or force of treaty, with another concerning the religious privileges of a nation consisting of so many millions of its subjects, the independence and sovereign rights of the Power thus bound would be impaired, such an engagement could not be consented to."

That was the Sultan's statement of the question at issue. A Russian state paper gave its own definition of the demands made, which were stated to be "explanatory and positive acts of guarantee." Russia said, "I require certain privileges to be secured to my co-religionists in Turkey;" the Porte replied, "I am willing to make a general declaration that those privileges which you demand shall be secured." But Russia said, "No, I want a special guarantee, in the form of a treaty." The Turkish Government resisted the demand in this shape. It is right to state that, pressed by other diplomatists, Prince Menchikoff relaxed a little of his demands, and said that he would be content with a *sened*, instead of a treaty. I am not sufficiently versed in diplomatic terms to know the exact meaning of a *sened*. But, being still further pressed, Russia said that, instead of a *sened*, it would take a "*note verbale*." We come now nearly to the state in which the question at present stands. The Porte refused to give any of these securities, and she was encouraged in that refusal by our Ambassador and Her Majesty's Government. After this the question was transferred to Vienna. The representatives of the four Powers at Vienna agreed to draw up a note, which they hoped would satisfy Russia, and which would also be one which the Turkish Go-

vernment would consent to sign. This led to a rather remarkable, and, I am afraid, not very creditable display of ambassadorial talent and skill. A note was drawn up in terms which were approved not only by the four Powers, but by the respective Governments of England and France, and was accepted by Russia. But when this note was presented to the Turkish Government, an interpretation was put upon it by the Porte precisely identical with the meaning of the original note which had been presented by Menchikoff, and which she had refused. It was not discovered by our Government or by our diplomatists that the note bore this interpretation. I confess I have read every word of these papers, and I should be just as little inclined to see any objection to the phraseology as they did. It has, however, been admitted, even by the parties who drew up the draft of that note, that it did bear an interpretation different from that which they intended to give it. It was avowed also by Count Nesselrode that the interpretation put upon the words by the Porte was similar to the terms upon which it was assented to by Russia. The consequence of this was that the consulted Powers who had given their assent to the note, and had urged very strongly upon the Turkish Government the acceptance of the note, withdrew their acquiescence, and joined with the Turkish Government in their refusal to sign it. That is, I believe, precisely the history, as concisely as it can be given, of the course of events from the commencement up to the time when there existed any hope of an amicable adjustment of the matter by the Congress at Vienna. The practical question, then, which we have before us is this:—Was it right or wrong, in the interests of the Turkish Government itself, that it should have been advised not to sign that note? Because if the Porte had not been advised to withhold her signature, and if she had been threatened with the withdrawal of the fleets from Besika Bay, no doubt the Turkish Government would have immediately signed the note. The non-signature of the note was the act of the allies, and not of the Turkish Government. The Turkish Government made a resistance, it is true, but if she had been threatened with the withdrawal of material support, there is no doubt whatever but that the Turkish Government would have accepted the note. Looking at all the circumstances bearing upon the case, was it

advisable that the refusal of that signature should have been insisted upon in the case of Turkey? What did Russia want? She required a certain declaration to be signed which would have given her the right hereafter to interfere with Turkey, provided the declaration was not carried out by that Power. The case was precisely similar to that of the treaty made between this country and the Brazils for putting down the slave trade. When we found, or chose to see, that Brazil did not carry out the terms of that treaty, we passed a law which compelled Brazil to fulfil her own treaty. The case was like it in principle, and I could mention others very similar to it. But the whole circumstances of the case connected with Turkey and Russia must be taken into account before you can take your stand upon abstract principles. You have said by your diplomatists, "Do not sign this note, because, if you do, you will sign away your independence and virtually dismember your own empire." But has the Sultan any independence? That is the question. Has he an independent position in this matter? Does he stand independent even towards his allies? Is not the fact notorious that if you interfered at all in Turkey, it was upon the understanding that in one way or another you intended to obtain, if not a guarantee, at all events some very strong security, for the better treatment of the Christian subjects of the Porte, similar to that which Russia has attempted to obtain by treaty. Is it not notorious that we have insisted upon a redress of the grievances of the Christian subjects of Turkey? It comes, then, to this—that we are to go to war, and deluge Europe with blood, because Turkey refuses to do by a note to Russia that which she is going to do for the four Powers of Europe. That is the whole difference—I do not now argue whether right or wrong—for which Europe is to be plunged into war. Was there ever such an infinitesimal ground of national quarrel as this? If Turkey were a country homogeneous in the character of its population, united and identical in its religious faith, with no division of races, no incurable prejudices, between one part of the population and the other, then it might be a case in which you would so resolve to protect those who were threatened. Suppose, for instance, the case of Prussia. If Russia proposed to interfere with Prussia—a progressive, moral, and highly instructed coun-

try—although, perhaps, some might say it has too much of the schoolmaster in its administration—but administering its affairs with as much purity, economy, and justice as in any country in the world—in such a case you might say, “Hands off, Russia; you are comparatively a barbarous country; you wish to drag this highly-civilised nation down to the level of your serfdom; you want to gain an influence over Prussia, with a view of degrading her. We will interfere and require you to withdraw your demands, and we will declare war, if necessary, in order to compel you; and having driven you from the frontier, we will keep Prussia secure from your attacks, and enable her to continue in her progressive policy.” But is that the case with Turkey? Have you not unfortunately, in Turkey, the fact that the Sultan and the Ottoman Government—which is the only authority we recognise in Turkey—do not represent the great body of the population of Turkey? And not merely does Turkey not represent the great body, but she does not represent one-fourth of the population of Turkey in Europe. But there is also the still more important fact, that it is not only a majority of the population of Turkey in Europe that is not represented by the Government of Turkey, but there is a majority actually opposed to the Government, and which is looking on with eagerness and anxiety to the success of that very policy on the part of Russia which you are now preparing to impede by force of arms. For, is it not notorious, whether it comes from Russia or England, the Christian population of Turkey are looking anxiously for that amelioration which Russia, for sinister purposes, probably, for selfish ends, undoubtedly, proposed to give to them. Now I wish to draw your attention, above all things, to the condition of the Christian population in Turkey. Towards the close of the last Session of Parliament, on the 16th of August, when most hon. Gentlemen had gone to breathe a purer air and to follow a more pleasant occupation, this question came before the House, and I took the opportunity of saying that the condition of the great mass of the Christian population of Turkey in Europe was a most lamentable one, and that any satisfactory settlement of the affairs then in dispute would be found to hinge upon a due appreciation of that question. The noble Lord the Member for Tiverton (Visct. Palmerston) took his place, and made a declaration

which has had a very great tendency to cause misapprehension in the public mind with respect to the state of the Christian population of Turkey. If hon. Gentlemen who have not so keen an appetite for blue books as I have will favour me with their attention for a short time, I will give them a summary of the facts relating to this, which in my opinion is the important part of the subject, and which I believe will be universally so considered before many weeks have elapsed. I will draw my information only from our own official documents and blue books, sadly mutilated though they are, more than half of them being merely extracts. In the month of February of last year, Lord Stratford de Redcliffe was reappointed Ambassador at Constantinople for a special purpose. He had left Constantinople the year before, then Sir Stratford Canning, not expecting to go back. And I may mention that, at a banquet, at which he was entertained previous to leaving Constantinople, he made a speech, in which, if hon. Gentlemen will look back, they will see what his opinion was with respect to the administration of Turkey, and what his apprehensions were of the result of a long continuance of the same system of maladministration. The Earl of Clarendon, in giving to Lord Stratford his letters of instructions, on the 25th of February, 1853, said:—

“Your Excellency will, with all the frankness and unreserve that may be consistent with prudence and the dignity of the Sultan, explain the reasons which lead Her Majesty’s Government to fear that the Ottoman empire is now in a position of peculiar danger. The accumulated grievances of foreign nations, which the Porte is unable or unwilling to redress, the maladministration of its own affairs, and the increasing weakness of the executive power in Turkey, have caused the allies of the Porte latterly to assume a tone alike novel and alarming, and which, if persevered in, may lead to a general revolt among the Christian subjects of the Porte, and prove fatal to the independence and integrity of the empire, a catastrophe that would be deeply deplored by Her Majesty’s Government, but which it is their duty to represent to the Porte is considered probable and impending by some of the great European Powers.” —[No. 94.]

Lord Clarendon goes on to state—and it is important to bear the fact in mind—that Lord Stratford de Redcliffe had been appointed specially to go to Constantinople to communicate this statement to the Government of the Sultan; and he then proceeds to say:—

“Nor will you disguise from the Sultan and his Ministers that perseverance in their present course must end in alienating the sympathies of



the British nation, making it impossible for Her Majesty's Government to shelter them from the impending danger, or to overlook the exigencies of Christendom, exposed to the natural consequences of their unwise and reckless maladministration."

Now that is a letter of instructions given to Lord Stratford de Redcliffe when he went to Constantinople. Can anybody suppose that at this moment Turkey does not stand in an exceptional state when you send your Ambassador specially to tell its Government such truths as these? Again, I find that on the 24th June Lord Clarendon sent a despatch to Lord Stratford, in which the same subject is again referred to. In this despatch he states:—

"Your Excellency has long and zealously laboured to obtain for the Christians in Turkey that their evidence should be received in the courts of justice with the same consideration and respect as that of their Mussulman fellow-subjects, and that the barbarous distinction which fanaticism has long interposed between Turks and Rayahs in this respect should no longer be allowed to prevail. Your Excellency is instructed to state to the Porte that it is the deliberate opinion of Her Majesty's Government that the only real security for the continued existence of Turkey as an independent Power is to be sought by enlisting the feeling of its Christian subjects in its preservation; that, although Turkey may get over her present difficulties by the aid of her allies, she must not reckon upon external assistance as a permanent resource, but that she must create for herself a surer defence in the affections of the more intelligent, active, and enterprising class of her subjects; and that it is impossible to suppose that any true sympathy for their rulers will be felt by the Christians so long as they are made to experience, in all their daily transactions, the inferiority of their position as compared with that of their Mussulman fellow-subjects, so long as they are aware that they will seek in vain for justice for wrongs done either to their persons or their properties, because they are deemed a degraded race unworthy to be put into comparison with the followers of Mahomet. Your Excellency will plainly and authoritatively state to the Porte that this state of things cannot be longer tolerated by Christian Powers."

Bear these words in mind, "This state of things can be no longer tolerated by Christian Powers." The despatch goes on to say:—

"The Porte must decide between the maintenance of an erroneous religious principle and the loss of the sympathy and support of its allies. You will point out to the Porte the immense importance of the election which it has to make; and Her Majesty's Government conceive that very little reflection will suffice to satisfy the Turkish Ministers that the Porte can no longer reckon upon its Mussulman subjects alone as a safeguard against external danger, and that without the hearty assistance of its Christian dependents, and the powerful sympathy and support of its Christian allies, the Turkish empire must soon cease to exist."

[No. 28]

Now, I beg the attention of the House to two points in this letter. First, the Christian Powers insist and demand that the Turkish Government shall ameliorate the condition of its Christian population. They say that they will not tolerate the evils and the oppressions under which they labour. Could Russia have said more than that? The letter then proceeded further to state, that the Porte must make its choice between renouncing its religious principles and the loss and support of its allies. Now, I do ask what possible good or permanent alliance can be made between two countries, when one of the Governments demands, as one of its conditions, that the other shall abandon its religious principles and opinions? Do you think it possible that the large fanatical population of Turkey will be induced to abandon their religious principles? If not, it will be impossible for the Government to do justice to their Christian subjects. Except by the complete abandonment of the Koran, it is impossible for them to place the Christians upon a footing of equality with the Mussulmans. The law of the Koran takes a man from his cradle, and never parts with him to the grave; the precepts of the Koran mould his character, form his civil and religious code, and exercise an influence over all the social intercourse of the whole people. Do you suppose that, having a religion which requires them to treat the Christians as tributaries and not as equals, it will be possible so to change the administration of Turkey as to place the Christians upon the same footing with the Mahomedans? It is altogether impossible. I now come to the first letter from Lord Stratford de Redcliffe to the Earl of Clarendon, in which he refers to the state of the Christian population in Turkey. On July 4, 1853, he writes:—

"Already the dissatisfaction prevailing in Bulgaria threatens to end in an insurrection of the Christians. A party in Servia is at the same time suspected—I hope erroneously—of looking to the first occasion for making a push towards independence. The whole of European Turkey, from the frontier of Austria to that of Greece, is almost denuded of regular soldiers, and exposed to the protection of Albanian hordes, habituated to turbulence and plunder. Information has reached me from Scutari that the Montenegrins are preparing to make an incursion into Turkey, with the prospect of finding sympathy and co-operation among the Christian tribes in that neighbourhood. A spirit of fanaticism, dangerous alike to the Rayahs and to the authorities—dangerous to neglect and difficult to control—appears to be rising in other parts of the country. The Greeks, though still quiet, have taken up a position, and hold in

society a language which indicates views of ambition unrestrained by principles or by treaties." [No. 353.]

Now, about that time, Lord Stratford had very properly directed an inquiry to be made throughout Turkey by our Consuls there, with respect to the condition of the people and the state of the Christian population of Turkey. Having collected together a great number of reports—I am sorry to see that they have been so much garbled in the blue book, some having dwindled down to not more than three or four lines; but, having collected these facts, Lord Stratford handed them to the Turkish Government, and it was in reference to them that he wrote to M. Pisani, the chief interpreter of the Embassy to the Porte, on the 22nd of June, 1853. In this letter, Lord Stratford says:—

"You will communicate to Reshid Pasha the several extracts of consular reports from Soutari, Monastir, and Prevesa, annexed to this instruction. You will observe that they relate in part to those acts of disorder, injustice, and corruption, sometimes of a very atrocious kind, which I have frequently brought by your means to the knowledge of the Ottoman Porte. The assurances given to me by the late Grand Vizier, the appointment of a more trustworthy Pasha at Salonica, and the order for Hazzi Hussein Pasha to repair forthwith to Constantinople, had warranted a hope that the grievances so justly and loudly complained of, could at length be effectually redressed. But it is with extreme disappointment and pain that I observe the continuance of evils which affect so deeply the welfare of the empire, and which assume a deeper character of importance in the present critical state of the Porte's relations with Russia. You will read this instruction to His Highness, you will communicate fully the contents of the accompanying extracts, and you will press upon his mind the urgency of adopting adequate measures for the repression of crime, and the protection of the Sultan's loyal and peaceable subjects, without further delay."—[No. 355. *Incl. 1.*]

In a letter of the 4th of July, the same subject is further followed up, and Lord Stratford writes:—

"The character of these disorderly and brutal outrages may be said, with truth, to be in general that of Mussulman fanaticism, excited by cupidity and hatred against the Sultan's Christian subjects, and, unless some powerful remedies be applied without further delay, it is to be feared that the authority of the central Government will be completely overpowered by some of the provinces, and that the people, despairing of protection, will augment the disorder, by resorting to lawless means of self-preservation."—[No. 355. *Incl. 2.*]

The House must remember, that is the communication of our Ambassador to the Government of the country to which he is accredited. Can any one suppose that the

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Government to which such an appeal is made can be administering its affairs in such a way as that it can possibly lead to prosperity, or even to permanence? I will now read one or two of the extracts from the consular reports. The Consul at Scutari writes on the 1st of June:—

"All that remain to protect these districts, are three battalions of regular troops, and 1,200 irregular *tophli*, who are quartered on the borders. All the desperate characters have raised their heads again, and acts of rapine and robbery are again very frequent at the expense of the Christian. Osman Pasha, the Governor of this province, is a Mussulman, and sees with perfect indifference all these excesses. The Christians, who are exposed to the vengeance of their enemies, live in a continual state of alarm. It must, however, be borne in mind, that the Christian population of these districts is three times greater than the Turkish, and if they have hitherto been kept down, it was merely by the hope of political improvement under the promising administration of Omar Pasha."—[No. 354. *Incl. 17.*]

The next report is from Monastir, dated June 10. The Consul says:—

"Aoni Pasha is of opinion that it is exceedingly imprudent to leave the provinces of Thessaly and Thrace, the inhabitants of which are notoriously disaffected and ready to join the Hellenes on the first opportunity, thus denuded of all regular defence. Only 6,500 Albanian irregulars, picked men, are to be levied for Shumla. Considering the numerical force of the bands which Albania can furnish if necessary, this is a very inconsiderable body indeed, and, coupled with the fact already mentioned, that all the regular troops are to be withdrawn from Thessaly and Thrace, leads me to infer that, in the event of the rising of the Greeks in these provinces, it is intended to employ the Albanians against them. How far a plan of this kind would be consistent with good policy, to say nothing of humanity, I must leave your Excellency to judge, believing, for my part, such a result, whether casual or contemplated, by no means improbable."—[*Incl. 12.*]

The report from Prevesa states:—

"The frontier districts of Thessaly and Epirus appear likely to cause considerable embarrassment to the Government, in the event of pending negotiations assuming a less pacific character. The rural population, oppressed by fiscal exactions, and subjected to intolerable acts of violence and injustice, cannot be expected to entertain any but the most rancorous feelings towards their persecutors. The inhabitants of the greater part of these villages being, moreover, exclusively Christian, and seeing no other prospect of relief open to them, are continually thronging the foreign Consulates with the view of seeking some friendly intervention. After thus depicting to your Lordship the disastrous condition of these frontier districts from various causes, it may be readily conceived that for some time past the emigration of whole families to Greece, which can only be accomplished by stealth, has been practised to a considerable extent; and that parties so circumstanced, together with the whole body of Suliots,

Chimarlots, and other Epirotes domiciled in Greece, will be eager to avail themselves of the first favourable occasion of promoting disturbances in this province."—[*Incl. 15.*]

Although I have never before ventured on reading such long extracts to this House, I am sure no apology will be needed on this occasion, because it appears to me that, when you are going to send troops to occupy the interior of a country like this, it is of vital importance that the House should be well informed of its condition. The report of the Consul from Damascus is highly important, as showing not only the amount of disaffection among the Christian subjects of the Porte, but even the Mussulmans, ground down as they are by the Government, are also disaffected to the rule of the Sultan. On June 7, the Consul writes:—

"But the worst feature, under present circumstances, is the highly agitated state of the population of this city. All the classes of the Mahomedans are most anxious to see the embarrassments of the Porte increase, and herself involved in a disastrous war. They wish to see her humbled, in the hope that her officers in Syria will cease to persevere in a system of administration prejudicial to the interests of the effendis and grandees—whose property has been sequestered under various pretexts, and has been so heavily taxed as to have reduced their incomes to one-half—and to the artisans and tradesmen, who find themselves at the mercy of rapacious tribunals and police officers."—[*Incl. 7.*]

Now, the House will, perhaps, remember that when I alluded to this subject at the close of the last Session, the noble Lord, now the Secretary of State for the Home Department, rose in his place, and said:—

"The hon. Gentleman has been greatly misinformed as to the state of Turkey for the last thirty years. I assert, without fear of contradiction from any one who knows anything on the subject, that, so far from having gone back, Turkey has made greater progress and improvement than any other country during the same period."—[*3 Hansard, cxxix. 1809.*]

When the noble Lord made that statement, these consular reports had been more than a fortnight—I will not suppose in his hands, for I cannot suppose he was aware of these reports at the time when he made the declaration I have just quoted—but at all events they were in the hands of his colleagues. The statement of the noble Lord was made within a week after Lord Clarendon had addressed to Lord Stratford a reply to the despatch containing these consular reports, and stating that they had received the most serious attention of Her Majesty's Government. Of course, the noble Lord must be excepted from the

other members of Her Majesty's Government who had seen the consular returns. [*Cheers.*] But some hon. Members appeared to cheer, as though they conceived that the description given by the noble Lord of the condition of Turkey was a correct one. Now, I would ask the noble Lord, upon this the first opportunity which I have of doing so, whether still he has faith in that declaration, and I ask him—bearing in mind that we are speaking of the condition of Turkey, and of the Turks themselves—to say upon what facts he founds that opinion, for most assuredly he can find no support for it in the official documents. I beg now to call the attention of the House to a document which was written by the Foreign Secretary, and despatched to our Ambassador at Constantinople, with the sanction of the Government, and by order of Her Majesty. We will see whether the colleagues of the noble Lord the Member for Tiverton consider the present state of Turkey as one of progress and improvement. Lord Clarendon writes to Lord Stratford de Redcliffe on the 28th of July, 1853:—

"The urgent necessity of extricating Turkey from her present position by peaceful means is now more clearly than ever impressed upon Her Majesty's Government by the numerous reports from Her Majesty's Consuls in different parts of the empire, which your Excellency has transmitted, upon the alarming state of the country, and by your Excellency's opinion respecting the dangers which threaten the authority of the Sultan in Bulgaria and Servia from the disaffection of the people, and in European Turkey from the absence of regular troops; while it appears that the Montenegrins are preparing to make an incursion into Turkey, and that the Shah of Persia, instigated by Russia, is collecting an army at Sulthanieh; and your Excellency considers that a spirit of fanaticism, dangerous alike to the Rayahs and the authorities, is rising in various parts of the country; and that the Greeks have taken up a position which indicates views unrestrained by principles or by treaties. But at the same time the Turkish Government, now weak, is so little mindful of its interests not to offend Christian Powers at this moment, is so powerless to enforce its own orders, that your Excellency was compelled on the 22nd ult., and again on the 4th inst., to address to the Porte an energetic remonstrance against the rapine, the exactions, and the cruelties to which its Christian subjects were exposed."

Now, mark the two following lines:—

"It is evident, then, that imminent and daily-increasing perils menace not alone the authority of the Sultan, but the very existence of the Turkish empire."—[*No. 370.*]

Imminent and daily increasing perils in a country which has made more progress and improvement during the last thirty

years than any other country. Recollect, I am quoting the language of Lord Clarendon to the representative of Her Majesty at Constantinople. But the Foreign Secretary proceeds:—

“There is too much reason to fear that the number and the intensity of these perils must be increased by delay in putting an end to the state of things which your Excellency has so powerfully described. But it is from England and France alone that Turkey can look for active sympathy and support. In the event of a struggle, all other Powers would be found neutral, or would become hostile; and if England and France were now prepared to run the risk of a European war, and to disregard the commercial, the social, and the political disasters it would entail—if they were prepared, in short, as your Excellency says, to stop at no sacrifice from the objects they have in view, there is little doubt that they would cripple the resources of Russia, and that, on the signature of peace, it is more than probable that the exclusion of that Power from the Greek protectorate, and from the Principalities, would be secured. Russia would be effectually repelled, but Turkey, in the meanwhile, might be irretrievably ruined; and we might then find it impossible to restore her integrity, or to maintain her independence. To protect Turkey against foreign aggression is the interest of England and France; nor would the task present any insurmountable difficulty; but both might find themselves powerless to guard Turkey against those elements of internal dissolution which now appear to constitute her greatest danger.”

Her internal dissolution! The danger of the internal dissolution of a country which has made more progress during the last thirty years than any other country on the face of the earth! Is progress and reform the way to dissolution? I thought corruption and misgovernment, falsehood and duplicity, were the paths by which you arrived at the dissolution of States. Lord Clarendon goes on to say:—

“Her Majesty's Government are well aware that the resources of Turkey are great, and that hitherto they have been but partially explored; but they fear that their further development, or the adoption of those reforms which your Excellency has so long and so judiciously recommended, would be improbable during a time that the Sultan would be engaged in a war with a foreign Power, and his European provinces were reduced to a state bordering on anarchy, and which, even now, compels your Excellency to contemplate, as stated in your despatch of the 7th instant, the necessity of calling up the British fleet, not for the purpose of repelling a Russian attack upon Constantinople, but in order to protect the Christians from an intended rising of the Mahomedans against them. It is not, then, because we have any doubt that the policy of Russia has been unjust and ungenerous, and is indefensible; it is not alone because we think that war is a calamity; but it is because we do believe that war would be an additional danger to Turkey, that Her Majesty's Government are determined to preserve peace by every means

consistent with the national honour and the maintenance of that principle for which we have been contending in Turkey; and in this respect their opinions are strengthened by those of your Excellency, upon whose judgment, experience, and accurate information Her Majesty's Government place the fullest reliance.”

Now, it is a very generous feeling, and I hope a natural one, which leads us, at a time when the Government of a weaker Power is undoubtedly treated with injustice by the Government of a neighbouring and more powerful State, not to inquire too minutely into the past errors and failings of the injured country. But this House should bear in mind what the situation is in which we are now placed. We are going to form an alliance with Turkey—to use a commercial simile, we are called upon to go into partnership with that country. If a man is asked to go into partnership with another individual, he is always, upon such an occasion, disposed to inquire into the condition, the circumstances, and the future prospects of his proposed partner; and I hold that what is wise in the case of an individual, must be also wise and absolutely necessary in the case of a State. Now, I entreat the House to bear in mind that Lord Clarendon, in the despatch which I have just quoted, points to a rising of the Christian population of Turkey as a probable contingency in the case of a war. I ask the House to remember that Lord Clarendon there states that war will increase the danger in which the Turkish Government are now placed, even to the danger of the dissolution of the Turkish empire. But Lord Stratford de Redcliffe, never weary in trying to excite the Turkish Government to effect some reform in their administration, describes, in a despatch, dated the 24th of November, 1853, an interview which the Sultan had given to the officers of the British fleet, who were presented by our Ambassador himself on the occasion. In that despatch I find the following very significant passage:—

“When I reminded His Majesty of what I had so often urged as to internal improvements, productive of benefit to all classes of his subjects, the answer was one of acquiescence; but not, I think, such as I was entitled to expect.”

Such was the treatment which Lord Stratford de Redcliffe received from the Sultan when he pressed upon him the subject of internal reform. But it may be asked, has anything changed since the noble Lord (Viscount Palmerston) made that statement which I have referred to—has there



had any intelligence from Lord Stratford de Redcliffe to lead us to suppose that he entertains any hope of improvement? I will read to you an extract—it is a very short one—from a despatch of Lord Stratford de Redcliffe, dated the 31st of December, 1853, in which he refers to the internal condition of the Ottoman empire. He is speaking of the impending war, and of the intention to incorporate Turkey into the European system, and to give that empire the safeguard which other countries have in being acknowledged as belonging to the European family of nations. Lord Stratford writes, on the 31st December, only two months ago:—

“I am of opinion that with a view to the condition of the non-Mussulman communities in this empire, and the development of those resources on which the Porte's independence must ever mainly rest, it would not be safe to hedge round the Ottoman empire with European guarantees, unless the Porte engaged, at the same time, to realise and extend her system of improved administration in good earnest.”

So that the very last allusion made by your Ambassador at the Court of Constantinople to this subject—the most vital of all in the present question—is to warn you not to commit yourself to Turkey unless you have better guarantees and better security than you now have that the Government of that country will introduce something like reform and improvement into their internal administration. It may probably be said that the disaffection of the Christian population of Turkey arises from their being incited from other countries. Inquiries had been made with respect to the reported rising of some Greek Christians in Arta, whether there was any truth in the statement that the insurrection had originated from the instigation of the Government of Greece. I have no doubt that what may happen, for instance, in Bulgaria, say to-morrow, may be stimulated by the Russians from the other side; but I beg the House to bear in mind that the documents contained in the blue books now upon the table, and a portion of which I have quoted, go to prove that the grievances of the Greek Christians are such as to naturally lead them not only into acts of insubordination, but into acts of open rebellion. We have facts before us sufficient in themselves to account for the disaffection of the Greek Christians, without entering into an estimate of the external influences which may be brought to bear upon them; and the House will remember that in the consular

stated, that the inhabitants of Thessaly, oppressed by fiscal exactions and subjected to intolerable acts of violence and injustice, were abandoning the country, and going into the kingdom of Greece for protection. What could be more natural, considering the condition in which they are placed, than that when in Greece they should continue to sympathise with their oppressed fellow-countrymen whom they have left behind them? But it appears to me, and I have derived my information from official resources only, that there is a spirit of disaffection among the Christian population of Turkey which must explode. I do not give that as my individual opinion—I have carefully abstained from saying one syllable from any information of my own; but, unless we are to disbelieve the statements of our accredited agents, we must expect to hear, and that shortly, of an insurrection of the Christians in Turkey. I have read some statements of Lord Stratford de Redcliffe in connection with this subject; I have also read extracts from the despatches of Lord Clarendon to the same effect; and I may now remind the House that, in writing to the Earl of Westmoreland, on the 20th of September, 1853, the noble Earl at the head of Foreign Affairs urged, as a strong reason for avoiding war, that it would “entail the dissolution of the Ottoman empire.” I find on another occasion—the 14th of June, 1853—in writing to the Earl of Westmoreland, Lord Clarendon says:—

“If the Russian army proceeded beyond the Principalities, and other provinces of Turkey were invaded, a general rising of the Christian population would probably ensue, not in favour of Russia nor in support of the Sultan, but for their own independence; and it would be needless to add that such a revolt would not be long in extending itself to the Danubian provinces of Austria.”

Now what I want the House to bear in mind is this—that in contemplating a war in defence of Turkey, and especially a war on the ground upon which we are going to put it, we are not simply entering into a war in the light in which the matter is generally considered, but we are going to fight for the domination of the Ottoman portion of the population of Turkey, and against the interests of the great body of the people of that country. Now, I do not stand here to malign Turkey because the Turks are of a different religion to me—I merely wish to allude to the fact that we are going to fight on the side of the

Mussulman, instead of on the side of the Christian population of Turkey, and that, too, on a question relative to the Holy Sepulchre. It is lamentable enough that, in the nineteenth century, we are going to fight about the birth-place of the Prince of Peace at all; but the matter is still worse when we reflect that we are going to fight against the interests of the Christians of Turkey, who form the great majority of the people of that country—a point, I think, of paramount importance in this question. In dealing with the Sultan, his dignity and authority, you are not dealing with the great body of the people. Let us suppose that the people of European Turkey had votes, and a representative system, and a popular assembly like this, what would be their policy—would it be the policy of the Sultan or of the Czar at this moment? Most undoubtedly they would take what the Czar is trying to secure to them, and it is likely a great deal more. We are notoriously going to fight on the side of the Mussulman minority of the population of Turkey; and without making it a religious question—though I am not sure that the people of this country will not come to view it as a religious question—but, putting it upon the representative principle, I appeal to your constitutional instincts whether you are not going to fight the battles of the Mussulmans in Turkey—whether you are not going to take the part of a dominant race, who are not more than a quarter of the whole population, against the great body of the people, and whether you are not prepared to support by force of arms a policy which is neither formed by, nor intended for, the benefit of the majority of the nation? I do not suppose you will persevere long in such a course as that; and, moreover, I say that if you wanted to fight Russia, and prevent her from encroaching farther eastward or westward, you could not have taken up worse grounds than you have done. Why, you are giving to Russia the popularity in Turkey which you ought to have there. Would it not be more wise and more natural, if it was necessary for you to interfere at all, to take the side of the great majority of the people, rather than that of the Turks? If you had done that you might have had the popularity and favour with the Christian population of Turkey which the Emperor of Russia now enjoys; and that popularity and favour would have given a chance—the only chance—of preventing the encroachments of Russia in that coun-

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try. You may depend upon it, that if Russia sends her armies into Turkey—the consular reports and ambassadorial letters which I have read prove what I say—the Christian population will rise in their support; and, recollect, you may send 10,000, 20,000, 30,000, or even 50,000 troops if you like, but you will find no favour in that country, 1,500 miles off, with the great majority of the people. The noble Lord the Member for the City of London said, the other night, “May God defend the right!” I say the right is on the side of the great majority of the people, and I should be a recreant from the representative principle if I did not say so. Sir, when I speak of these affairs, I abstain from all that censure on the Russians which some hon. Gentlemen lavish upon them. I hope it will not be thought that I have any sympathy with Russia, or with its system of government. I do not think there is anything more Russian in my composition than in that of anybody else, and if I abstain from all those denunciations against Russia for the step she has taken, it is because I believe that in this case the Turkish Government, which I admit has been wrongly and unjustly treated by the Russian Government, does not represent the people of Turkey—does not represent their interests—and does not possess their confidence. I say the right is on the side of the majority of the people of Turkey; and, knowing that it is in their interest the Czar of Russia is moving—knowing, as I do, the state of degradation into which they have been reduced—I am not sorry, from whatever source it comes, that the Christian population of Turkey should be protected against their Mussulman oppressors. I am anxious in this place to throw out a word of warning and caution. We are on the point of sending our troops to Turkey. Now, I hope we are not going to send our troops there for the purpose of interfering in any internal dissensions which may take place in that country. I hope you will apply the principle of non-intervention so far as to allow the troops to keep clear of internal disputes in Turkey. I feel the more anxious on this point, because, in a despatch from M. Drouyn de Lhuys, dated the 4th of October, 1853, there is rather an ominous line or two on this subject. He says:—

“The question now is to determine what use shall be made of these naval forces. Their presence in the waters of the Bosphorus will manifest the ultimate union of France and England. This

maritime power, and of their common interests for the destinies of Turkey, will afford the Sublime Porte a moral proof, which will admit of its maintaining itself as a regular Government, of its calculating upon the tranquillity of its populations, and of its abstaining from appealing either to religious feelings or to fatal auxiliaries."

Now, I confess I look with a little suspicion on that passage in the despatch of M. Drouyn de Lhuys, where he speaks of the fleets going to Constantinople to maintain the regular Government of Turkey, and to preserve the tranquillity of its populations; and I hope that if our troops are going to Turkey, they will not, at all events, be sent there to take part in the domestic troubles of that country. Now, Sir, I would ask, although we may not be disposed to make this a religious question, is it not a notorious fact, that religious fervour, and religious fervour alone, has carried on the war between Turkey and Russia? We have religious fanatics on the one side, and men equally fanatical and equally cruel on the other. In the addresses of Omar Pasha to his soldiers no appeal is made to the sentiment of patriotism; he does not ask the whole population of Turkey to support him in the war against Russia, he only appeals to the Mahomedan portion of the people, and while he ignores the existence of three-fourths of the population altogether, he calls upon the Mussulmans to go forth to battle in defence of a religion of the sword. I will read an extract or two from the proclamation issued by Omar Pasha on taking the command of the army:—

"To the Imperial Soldiers—When we are fighting with our enemy, let us be always firm and courageous. We will not turn our backs upon him. We will be avenged, and will sacrifice our heads and our lives. Here is the Koran. We have sworn it on the Koran. You are Moslems, and I am sure that you will sacrifice your heads and your lives for your religion and Government. Let us fight, and offer ourselves up as our ancestors have done. As they have left our country and our religion to us, so must we leave them to our children. All of you know that the object of this life is to serve worthily God and the Sultan, and thus to gain heaven."

I think these appeals are sufficient to account for the efforts made by the Turks; and I am convinced it is no sentiment of patriotism, but simply religious fanaticism, which has brought vast hordes of men from Asia and Africa to the support of the Sultan—men proud and barbarous in character—and that it is absurd to form exaggerated notions of the resources of Turkey, because

months, and because her soldiers have shown courage in fighting. The Turks have always shown courage, particularly behind breastworks; and, martial courage is the only quality which has given them power in Europe. I have referred to the internal state of Turkey; but I cannot here ignore the arguments which are used by hon. and right hon. Gentlemen on the other side of the question to induce the House to enter into this war. I would not say a word upon this view of the question if I did not believe that the arguments to which I allude are calculated to mislead the country. The first argument is, that we should go to war in order to prevent Russia getting possession of Turkey, and excluding our commerce from that country; and a long statement has been made in this House for the purpose of showing how insignificant our trade with Russia is, as compared with our trade with Turkey. I am afraid that erroneous and very dangerous opinion is shared in by many people in this country, who may be induced to go into a war with the idea that they will thereby protect their interests, while their interests are all on the other side, as I am prepared to show you. It is not easy to know what the imports into this country from other countries are—our official returns give us no means of ascertaining their precise extent; but I have been into the City and conversed with some of the most eminent merchants engaged in the Russian and Levant trades. I have ascertained from them what our trade with Russia was last year, and I find that I have undervalued it by at least one-half. The facts have astonished me; and as they will doubtless be as much a matter of surprise to other hon. Members as to myself, I will briefly state them to the House. We have been told that our exports to Russia amounted to less than 2,000,000*l.* Well, Russia is a protective country—she still labours under that Protectionist delusion that existed in this country up till a few years ago; but when I want to know the particulars of our trade with any country, I always inquire not only what we export to it, but what we import from it. If we import from a country largely, depend upon it we pay largely for it, or, if not, we shall be doing a very profitable trade. I was under the impression that our import trade from Russia amounted upon an average to between 5,000,000*l.* and 6,000,000*l.*, and I was not altogether sure that this was not

an exaggeration. I have now got information from sources that may be relied on. Here are accounts from two houses that did not compare notes together of the exports into England from Russia—one account for last year and the other a general average. Our trade with Russia last year, as hon. Gentlemen opposite would recollect, was unusually large. Our imports were as follows:—

“Tallow, 1,800,000*l.*; linseed, 1,300,000*l.*; flax and hemp, 3,200,000*l.*; wheat, 4,000,000*l.*; wool, 300,000*l.*; oats, 500,000*l.*; other grain, 500,000*l.*; bristles, 450,000*l.*; timber, 500,000*l.*; copper, 140,000*l.*; hides, 60,000*l.*; iron, 70,000*l.*; miscellaneous, 200,000*l.*; making a total of 13,020,000*l.*”

Such were our imports from Russia for 1853. The other house to which I applied gave me an average year, and they have made the total amount 11,300,000*l.*; but they have put down wheat at 2,000,000*l.* instead of 4,000,000*l.*, which was the amount last year, when there was an unusually extensive importation of wheat, and that makes exactly the difference. I am credibly informed, in addition to this, that there is about 1,000,000*l.* worth of produce comes down the Vistula and other rivers to Prussian ports on the Baltic, and is exported to this country; so that it may be said that our imports from Russia will average altogether 12,000,000*l.* sterling per annum. And bear in mind that you have articles imported from Russia of primary importance and value to your manufacturers. Take, for instance, the article of tallow. How would your locomotives travel without tallow? How would your mechanic carry on his operations if he did not grease his wheels? [*A laugh.*] Your means of locomotion depend to a great extent upon the article of tallow. We import linseed to the value of 1,300,000*l.* per annum from Russia. I observed the hon. Member for Cambridgeshire laughing a moment ago. He represents an agricultural constituency. No class in this country have so great an interest in the importations of linseed as the agriculturists, who are always complaining about the high price of food for cattle. Surely they do not want our supply of linseed cut off. To turn to the district I represent myself—there can be no doubt that, if you stop our trade with Russia, you will inflict great misery and hardship upon some parts of the West Riding of Yorkshire; and I am informed that the manufacturers of Sheffield would find it impracticable to

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carry on business so far as the finest quality of articles is concerned, if they were deprived of a supply of Russian iron. Let us refer now to Turkey. I hear it stated that our exports to Turkey amount to nearly 3,000,000*l.* per annum. That is true; but I have it from the very best authority, that about 1,000,000*l.* of that is for articles exported to Trebizond for the markets of Persia and Central Asia. Here, then, you have 2,000,000*l.* of exports to the Turkish empire, including what passes through into the Wallachian and Moldavian provinces; and I am told that the present imports from Turkey into this country do not amount to more than 2,250,000*l.* per annum. Compare the Russian and Turkish trades together, and you will find that in the former you have one of three times the importance of the other. There is no one foreign country whose trade is so important to us as Russia, excepting the United States; and it is well to remember that all the carrying trade between our ports and Russia is in our own hands. Now, is there any ground for urging this country into a war with Russia, for the purpose of protecting our commercial and trading interests? None whatever. The advantage is all on the other side. I do not say you should fight for a tariff, whether high or low. I am only meeting an argument which is constantly brought forward on the other side. I have been myself charged with gross exaggeration in having stated that the Russian trade was more valuable and important than the Turkish trade; but I appeal for my vindication to the facts which I have just submitted to the House. When I say that our exports to Russia are only 2,000,000*l.*, while our imports from Russia are 12,000,000*l.*, I need not tell those Gentlemen who are acquainted with commercial affairs that the difference is paid for in an indirect trade. We are, so to speak, the bankers and brokers of the whole world. The sugar and coffee we get at Cuba and Brazil we take to Russia in payment of hides and tallow; the raw cotton of New Orleans we exchange for the tallow and wheat of Russia, which very foolishly protects its mills instead of getting its cotton goods direct from Manchester; and some of the imports are paid for in gold. I trust that those who have hitherto held out to the country that the Turkish was superior to the Russian trade will be no longer deluded by such a fallacy. I have said but now that I would not have alluded



to this subject had I not believed that statements had been made which were calculated to mislead the country. The question I have to put to the House now is, how are you going to carry on the war if you go into it? You are sending land forces to Turkey. Twenty or thirty years ago such a thing would have startled the whole country. Why, if you were going to fight the battles of another country, 1,500 miles off, you could have done so by your natural arm—the Navy. What can 20,000, 30,000, or even 50,000 soldiers do in such a distant and barbarous country as Turkey, except complicate its internal affairs? You may dispose your fleet, and, that too, in a short time, so as to guard Turkey against external danger for a season; but if you send your army to Constantinople, and join it there with the forces of France, such as may be spared from Rome and Algiers, you will not save Turkey, while you may complicate your relations with your French ally. What is this war? For what are we going to fight? Is it a war on behalf of the balance of power against the aggression of the Czar? Has the time come when the great contest between Cossackism and Republicanism is to be fought? and is England the only country which is to fight the battle? The noble Lord the Member for the City of London (Lord John Russell) talked the other night of united Europe opposing the encroachments of Russia; but when he came to explain, it turned out that he did not mean Europe at all, the fact being that all the great countries of Europe, with the exception of England and France, are remaining neutral. Now I will ask hon. Members to cast their eyes on the map of Europe. Where does England stand in that map? We are altogether to the westward of Russia, with all Germany, Belgium, Holland, and Scandinavia—for the latter is as much interested in the progress of this terrible Power as, for the sake of argument, I will admit we are. Now, in Austria, Prussia, and the rest of the German States, in Belgium, Holland, Sweden, and Denmark, are a population of 70,000,000 or 80,000,000 souls. These countries have about 700,000 or 800,000 men under arms, whom they have been for the last ten years constantly drilling, parading, and manœuvring. The ante-rooms of every Court in Europe has of late glittered with gold and scarlet, and people began to think that these great military preparations would be used for some purpose. There is a traditional notion,

which I own I do not share, that the Goths and Huns, and that they overrun Western Europe. That suppose, in the opinion of some, has now come, and the noble Lord threw down the gauntlet to all. Well, the day of trial arrives, and that England is to send 20,000 or land forces over the backs, as it were, of the Belgians, the Dutch, the Danes, the Swedes, the Austrians, and the Prussians—over, in fact, the most military nations in Europe—in order to fight for their safety and independence. England has the least interest in this great question, as it is called. She is invulnerable by land and impregnable by sea, so long as her commerce flows as it does now, and is, in fact, the only power which has nothing to fear from the designs of the Czar. Yet, in this crisis, we are left alone to indulge that comical notion which has assumed the name of *Balance of Power*. The truth is, the people of England and Prussia do not believe the issue. Europe are engaged in this question, and believe we are seeking to increase our influence in Turkey, and therefore not care to come forward and fight. A noble Lord (Viscount Jocelyn), so blandly on every question always in hopes of hearing his opponent on the other side, said:—"You must fight the Russians—you must contend with the *status quo ante bellum*—you must go beyond that, and cut off the Russian Empire, so as to prevent the Russian Empire from trading Asia, for, if they do, the Russian Empire will not be secure." This sort of argument which I think all Europe believe that we were engaged in a selfish battle—that we were for the independence of Europe—to maintain our own pre-eminence, and is it not very likely to lead to a people, who are not the least people in the world on the subject of English rapacity and English the same suspicion, and thus naturally not have anybody meeting this Russian aggression there no one in this House. "At all events, if we are going to fight a battle of Cossackism for Turkey, fight it with our Navy, an miserable 20,000 or 30,000 men in the neighbourhood of Constantinople, on the banks of the Danube?" If

party in this House, I care not on which side, so that they oppose such a mad policy as that of sending troops so great a distance, I am one of them. I have now done. I have merely to add one word more. When I heard the hon. and learned Gentleman (Mr. Roebuck)—and no one was more pleased than I was to see the hon. and learned Gentleman again among us—dealing unmeasured, unqualified, and uncharitable invective upon some gentlemen of the Peace party, I exclaimed, “He is himself again.” The hon. and learned Gentleman said we must fight the Russians now, because if we did not we should have to fight them hereafter. I do not like arguing in the future tense, in that way especially, when such serious questions are concerned. By the same rule, a man might bring out a bowl of poison, and say:—“You may as well take it now, because you will be sure to die some time.” I will not deal with the question of peace and war as an abstract question; but a great deal has been said about the Peace party. Now there is no party in this country that can for a moment hesitate to join in a war of justice and self-defence—at least no political party. There is a religious party, whose virtues far transcend their numbers, who religiously believe that by the tenets of the New Testament they are forbidden, under any circumstances, even in self-defence, to take away human life. For that body I have the greatest respect. There is another party who think, as Sir Robert Peel thought, it would be desirable to allay the warlike spirit of the people of England by a propagandism, or what is vulgarly called agitation. We have been gradually carried onward by that martial enthusiasm, which ten to one must have an end in war. I have been of that party which would remove everything tending to excite that martial enthusiasm, and would teach my fellow-countrymen not to give way to the abuse of that quality which they so eminently possess—combativeness. I like that quality, and I think I have some of it myself—but I do not like to see Englishmen expose themselves to the risk of war by keeping always on hand one of the most expensive of all luxuries, a prejudice against some foreign country. I will appeal to the Ministers themselves, and to any one in this country who will look at the tone used by a large part, and that the most popular part, of the press, and at public meetings—whether there is not an excellent field for the operations of such a so-

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ciety, which tends to divert men's minds from persisting to rush into war, and teaches them the blessed advantages of peace? I think there is not one hon. Member in this House, whatever his politics may be, who will not say that he has been shocked at the levity with which this question of war has been treated in some quarters. If it had been a boat-race, or a cock-fight, or a game at skittles, or anything of that kind, they could not have dealt with it with more levity than they have done. I have no hesitation in saying I am opposed to this war with Russia—I am opposed to all war, when it hangs on so fine a thread—so gossamer like you can hardly feel or touch it—as whether the Sultan shall sign a note declaring to the Emperor Nicholas that he will preserve all the rights of Christian subjects, or whether he shall give that declaration to all the European Powers. On such an infinitesimal difference as that I dare not go to war—I dare not advocate going to war, with all its horrors, and at the risk of deluging half Europe with blood. I have not the courage to say it, and therefore I say, having got into this question, and being now in the position of having voted against the principle of a Bill, and endeavouring in Committee to make the best of it, I say, “Let us fall back on that Vienna note.” [“Oh oh!”] I profess I see no objection to it. It saves the honour of the Sultan, because it is not the original note of Prince Menchikoff—it is the note of the four Powers, and therefore not the note of Russia. I would withdraw the promise of material assistance to Turkey unless she signed that declaration. Diplomacy has not much to boast of, and will not suffer much, if we are rescued from war, even at the expense of another inconsistency. I take upon myself all the unpopularity of opposing this war, and I would not give six months' purchase for the popularity of any Gentleman in this House or out of it who will vote for it.

LORD JOHN MANNERS said, he should refrain from entering at any considerable length into the arguments of the hon. Member (Mr. Cobden), and should endeavour, after a few passing remarks upon them, to revert to the question as submitted to the House by the hon. Member for Aylesbury. The hon. Member for the West Riding had told them he was opposed to this war with Russia upon three leading considerations—because it was a war of Mussulmans against Christians, because it was backing a small minority

against an overwhelming majority, and because he found from two friends in the City that the imports from Russia into England amounted to eleven or thirteen millions. What had brought the people of this country to support Her Majesty's Government was the discovery that they were really in earnest in resisting the aggressions of Russia. It was not connected with any of those considerations on which the hon. Gentleman based his opposition to their policy, and he (Lord J. Manners) trusted the people of England never would consider whether they were going to war in defence of a minority or a majority, or what was the religion of the people upon whom unjust attacks were made, nor whether the balance of trade was in favour of one side or the other. With respect to the last argument, as to the extent of our trade with Russia, he submitted that it might be much more appropriately addressed to the Autocrat of all the Russias than to the Parliament of England. When the hon. Gentleman was reading extracts from the instructions of Lord Clarendon to our Ambassador at Constantinople, he could not fail to notice how very nearly the language of those instructions agreed with the language of the Russian state papers, and he could not help feeling, with the hon. Gentleman, that when they talked of going to war in favour of the independence of Turkey, there were passages in those instructions and despatches which could not be reconciled with a real desire to maintain that independence. Nor could he help remembering that the Chancellor of the Exchequer, in a speech delivered at Manchester last autumn, and which found such favour in the eyes of hon. Gentlemen there, that they were very nearly proposing the right hon. Gentleman as a member of the Peace Society—that in that speech he used terms which made the people of England understand that he had very little desire to maintain the independence of the Turkish Government, full as it was, according to the right hon. Gentleman, of anomalies, misery, and persecution. He (Lord J. Manners) regretted such language should have been used in such a quarter, and that such language should be found in the instructions of Lord Clarendon. He was much surprised to hear the noble Lord the Member for the City of London say that from first to last Russia had never given this country any idea whatever of the ultimate tendency and object of her demands. If one thing

was more clear than another it was that warning after warning was given by the various agents of England of the intentions of Russia, which were obvious to most people from the first, and he found almost the first of these warnings was addressed to the predecessor of the noble Lord as early as December 5, 1852, by Colonel Rose, not depending on his own observation, but on the formal declaration of the Russian Ambassador at Constantinople of what the noble Lord said was never disclosed. On the 5th of December, 1852, writing to Lord Malmesbury, who was then Foreign Secretary, Colonel Rose says:—

"M. D'Osseroff has prejudiced much his position at this important moment by making a formal declaration to the French Ambassador that Russia, by virtue of the treaty of Kainardji, protects the orthodox—that is, the Greek—religion in Turkey. M. de Lavalette takes this the more to heart, because he has lately formally declared that France makes no claim to protect the Turkish Roman Catholics. He has made known M. D'Osseroff's declaration to his colleagues and the Porte. The Porte has heard this assertion of Russian protection of the religious interests of ten or eleven millions of her subjects with unmingled dissatisfaction."

That was as far back as December, 1852. It was received in England just as the noble Lord entered upon office, and he was bound to give credit to the noble Lord for the vigorous measures which he seemed willing to take, and the clear conception shown by him of the danger threatened from Russia. In responding to the language of M. Baudin, he wrote to Lord Cowley thus:—

"The anxiety felt by the French Government is very natural. . . . Her Majesty's Government think it desirable that some understanding should be arrived at between the great Powers on this important subject, and I will immediately take into consideration the steps that may be necessary for this purpose."

The noble Lord, in the course of his speech, made another assertion, which he confessed he heard with equal surprise. The noble Lord said, from the moment that France abandoned her extreme pretensions—from the moment, in fact, that the Aberdeen Cabinet came into power—there had been the most complete and cordial union as to actions and intentions between the Governments of France and England. The noble Lord must have put out of sight, or entirely forgotten, the whole of the communications which, for a quarter of a year subsequently to Lord Aberdeen coming into office, were directed

by the noble Lord's successor as Secretary of State for Foreign Affairs, to the Governments of Russia, France, and Turkey. The noble Lord did not trouble the House with dates or details, and he did wisely, because it would have been impossible but to admit, so far from the action of England being in accordance with the action of France, Lord Clarendon persisted in refusing to co-operate with France, and made known to the Government of Russia that England will not co-operate with France. And it was his (Lord J. Manners') firm belief that the knowledge as acquired at St. Petersburg induced the Emperor to persist in Prince Menchikoff's demands. The explanations given by the Russian Government during the time the armaments were going on were so contradictory that it would naturally be supposed they would awaken suspicion. Count Nesselrode, the Chancellor of the Empire, writes a formal despatch to Baron Brunnow, on Jan. 14, in which he says :—

"The Emperor has, therefore, considered it necessary to adopt in the outset some precautionary measures, in order to support our negotiations, to neutralise the effect of M. de Lavalette's threats, and to guard himself in any contingency which may arise against the attempts of a Government accustomed to act by surprises. The object of our measures is not in any way to throw doubt on the independence of the Ottoman empire."

That despatch was communicated to Her Majesty's Government, and they were invited to believe the only object which the Emperor of Russia had in view in these armaments was to procure a sort of moral counterpoise at Constantinople to the threats which M. de Lavalette had at a former period held out. Two days afterwards—on the 16th of January—General Castelbajac, just appointed French Ambassador at St. Petersburg, had his first interview with the Emperor, and alluded to the subject of the rumoured military preparations. The Emperor replied :—

"That the accounts of his military preparations were much exaggerated; that they were not caused by the question of the Holy Buildings, though he avowed the intention of inspiring awe at Constantinople, in consequence of some insult which had been offered to the Russian flag."

Here was a statement that these armaments were not in any degree directed against the supposed threats on the part of France; that they had nothing whatever to do with the question of the Holy Places, but were to avenge or procure some satisfaction for insults then for the first and last time alleged to have been

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offered to the Russian flag at Constantinople. Shortly afterwards, when Prince Menchikoff arrived at Constantinople, Colonel Rose, whose conduct he humbly thought was beyond all praise, asked for some explanation of the threatening armaments. In the first place, Prince Menchikoff almost denied any movement whatever among the Russian troops. He next admitted, and proceeded to explain and justify them.

"He then took up" (said Colonel Rose) "another ground of argument, and said that the military movements of Omar Pasha had caused suspicion to the Russian Government, who thought that he might carry war and Mazzini's doctrines into the Austrian territory and the Danubian provinces."

Here they had no less a person than Prince Menchikoff giving to Colonel Rose another version of these armaments. It was then neither the threats of France, nor the insults offered to the Russian flag, but a fear lest Austria should be invaded by Omar Pasha at the head of his troops and the doctrines of Mazzini. All these conflicting explanations were communicated to Lord Clarendon before the end of March, and before that time Lord Clarendon, in addition to those most suspicious self-contradictory explanations, had the most direct evidence of the nature of these armaments and movements of troops. Sir G. H. Seymour informed Lord John Russell—

"Orders have been despatched to the 5th corps *d'armée* to advance to the frontiers of the Danubian provinces, without waiting for their reserves, and the 4th corps, under the command of General Count Dannenberg, and now stationed in Volhynia, will be ordered to hold itself in readiness to march, if necessary. Each of these corps consists of twenty-four regiments, and, as your Lordship is aware, each Russian regiment is composed of three battalions (each of about 1,000 men), of which one battalion forms the reserve. General Lüders' corps *d'armée* accordingly, being now 48,000 strong, will receive a reinforcement of 24,000 men soon after its arrival at its destination; and supposing the 4th corps to follow, the whole force will amount at least, according to official returns, to 144,000 men."

On the 2nd of April, Colonel Rose, in submitting the accounts received from the Consuls in the Principalities, said :—

"The tenor of this report, taken in consideration with that of Mr. Consul Yeames' last report from Odessa, can leave, I think, no doubt as to the hostile nature of the intentions of the Russian Government."

In spite of all these facts, Lord Clarendon persisted in believing the declarations, such as they were, of the intentions of the Emperor of Russia, and in disbelieving and



taking no notice whatever of all those warnings and all those threatening movements. At last the nature of Prince Menchikoff's mission became apparent. On the 7th of March Colonel Rose penetrated the secret, and communicated the real object of the mission to Her Majesty's Government.

"I regret to state to your Lordship, that all the circumstances connected with the mission of Prince Menchikoff, which I shall transmit tomorrow by Her Majesty's steam ship *Wasp*, to Malta, to be forwarded to your Lordship without delay, have assumed a serious and threatening appearance. It is true that the declarations of the Russian Ambassador are pacific, but facts unfortunately do not bear out those declarations."

On the 9th of March, Colonel Rose again stated to the Government:—

"Circumstances connected with the mission of Prince Menchikoff have gradually come to light, and cause grave apprehensions for the independence, if not the destiny, of Turkey. \* \* \* A day or two after the arrival of Prince Menchikoff, another man-of-war steamer arrived here, conveying Vice-Admiral Korsinoff of the Black Sea fleet, and General Nicapotchinski, chief of the staff of General Rudiger's two *corps d'armée*, with other military officers. The presence of these superior officers of the naval and military forces, which are to act against the Porte, should she not comply with Russian demands, had its due effect, particularly as it is known that the 6th and 7th corps have been concentrated, and placed on the war footing under the command of General Rudiger, whose head-quarters are at Kisheneff, in Bessarabia."

He thought the great fault they must judge Lord Clarendon to have committed was, that he persisted to the last in believing the declarations of the Russian Government, and disbelieving every fact brought under his notice. The right hon. Baronet the First Lord of the Admiralty had favoured the House with a most beautiful sentiment, that dark and malignant suspicions did not quickly take root in generous minds. As a general rule, no doubt the proposition was sensible as well as honourable; but the position of things resembled nothing so much as a gentleman walking down St. James's Street arm-in-arm with a friend and meeting a casual acquaintance, who took off his hat and said, "I entertain for you the most profound respect and admiration," but proceeded to pull the nose of the gentleman's friend. He thought the gentleman would attach more importance to the unfriendly act than to the friendly and even complimentary expressions. Lord Clarendon, however, committed a greater fault in making known to the Emperor of Russia that Eng-

land was not prepared to act in concert with the Government of France. Lord Clarendon, in a despatch to Lord Cowley, dated the 22nd of March, said:—

"I told his Excellency (Count Walewski), that when the intelligence from Constantinople was analysed and divested of the colouring imparted to it by local excitement, there was but one fact to deal with, namely, that General Menchikoff, in pursuance of the orders of the Emperor of Russia, announced nearly two months ago, had declined to hold official intercourse with Fuad Effendi, because that Minister, in the opinion of his Imperial Majesty, had acted with bad faith to Russia. Fuad Effendi had accordingly resigned but Prince Menchikoff had not required this, and he had declared that no disrespect was intended to the Sultan by the omission of the customary visit to his Minister. Under those circumstances I said Her Majesty's Government had not thought Colonel Rose justified in requesting that the British fleet should come to Vourla, and they have learned with much satisfaction that Admiral Dundas had considered it his duty to remain at Malta until he received instructions from England. For similar reasons, I told Count Walewski that Her Majesty's Government regretted the order given to the French fleet to sail for the Greek waters."

In communicating the same intention Sir G. H. Seymour, the noble Lord seemed to take pains to convince Russia that she had nothing to fear from the joint action of France and England on this important question. Lord Clarendon instructed Sir G. H. Seymour to inform Count Nesselrode that "Her Majesty's Government felt no alarm." What! alarm at the concentration of 45,000 troops on the Danubian frontier—no alarm at the threats of Prince Menchikoff—alarm at the information then received from Colonel Rose as to the nature of Prince Menchikoff's mission and the intentions of Russia—no alarm at accounts through other channels! Sir G. H. Seymour is instructed to say:—

"Her Majesty's Government have felt no alarm, and have not shared the apprehensions which the rumours and facts above alluded to might appear to justify; for on more than one occasion they have received the assurances of the Emperor of Russia that his determination to maintain the independence of the Turkish empire, and that should the interests of his Imperial Majesty undergo any change that important question, they should first be made known to Her Majesty's Government. Such communication having been received, Her Majesty's Government felt secure that, whatever might be the object of Prince Menchikoff's mission, neither the authority of the Sultan, nor the integrity of his dominions, was exposed. . . . Her Majesty's Government regretted the alarm and irritation which prevailed, and should have induced the French Government to order their fleet to sail for the waters of the Mediterranean, but the position in which the French Gov-

stands is in many respects different from that of Her Majesty's Government."

And it concluded—

"You will read this despatch to the Chancellor, and give him a copy of it, should he desire it."

The date of that was the 23rd of March; and what, he asked, must have been the conviction of the Chancellor of the empire of Russia, and of the French Government, on receiving that authoritative information, that the position of England in many respects at that time differed from the position of France? There could be but one conviction, and he thought if he traced on the events, they would see what that conviction was, and to what it inevitably led. On the 5th of April again Lord Clarendon instructed Sir G. H. Seymour thus:—

"Baron Brunnow yesterday communicated to me a despatch in which Count Nesselrode expresses his satisfaction at the confidence placed by Her Majesty's Government in the policy and intentions of the Emperor with respect to Turkey. I assured Baron Brunnow, and you will repeat the assurance to Count Nesselrode, that that confidence remains unabated."

That was after the intentions of Russia were manifested at Constantinople, after the Turkish Ministers found out and informed the English representative that the demands to be made by Prince Menchikoff would be fatal to the independence of the Sultan, and that he meant to claim the whole protectorate of the Christian subjects of the Porte. As early as March 19th, Rifaat Pasha suspected and communicated the secret treaty which Prince Menchikoff was ordered to propose. On the 25th Colonel Rose wrote:—

"Your Lordship will see that, in spite of Prince Menchikoff's denunciations against the Turkish authorities, should they reveal his secret demands, they, in consideration of the danger which would ensue from a compliance with them, determined to make them known to Her Majesty's Government. The Grand Vizier informs me also, that in the projected treaty there is a clause which could be interpreted into protection by Russia of the Turkish Greek Church."

On April 9th, Lord Stratford wrote to Lord Clarendon:—

"This combination of alarm, seeking for advice, and of reluctance to entrust me frankly with the whole case, is attributable to the threatening language of Prince Menchikoff, and to the character of his proposals. Rifaat Pasha has been emphatically warned of the danger which he would be sure to incur if any of those proposals were to transpire, and the earnestness with which the Russian Ambassador insists upon an early reply increases the embarrassment and apprehension of the Porte."

Before then, Lord Clarendon wrote that

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letter of the 5th of April, he was informed that a secret treaty was proposed, and under circumstances, and with threats and denunciations, which could leave no doubt on the mind of any reasonable or reasoning man, that the objects of Russia were such that she could not venture to communicate them to Powers friendly to Turkey. But after the existence of that secret treaty was communicated to Lord Clarendon, after Lord Stratford had informed him of its nature, Lord Clarendon still withheld his belief of the statements made by the accredited agents of his own Government, and informed the Government of France that the information received was erroneous, and that he would disbelieve and disregard it. On the 18th of April Lord Clarendon wrote to Lord Cowley:—

"Count Walewski has read to me a despatch from M. de Benedetti, which appears to have given some uneasiness to the French Government, and particularly as regards a secret treaty similar to that of July 8th, 1833, which is said to have been pressed upon the acceptance of the Porte by Prince Menchikoff. I told Count Walewski that the same information had been communicated to Her Majesty's Government by Colonel Rose, but I had reason to believe that the treaty in question would be a written agreement with respect to the Holy Places, and the mode of conducting divine worship and religious ceremonies there by the Greek and Latin communities."

This showed that Lord Clarendon regarded this secret treaty as a matter of no consequence whatever, because he had heard from some authority that it merely had reference to the way divine service was to be performed in the Holy Places. Now he (Lord J. Manners) wished to ask Her Majesty's Government what reason Lord Clarendon had, on the 18th of April, for believing any such thing? Who was his authority? Who gave him the information? Clearly not Colonel Rose, and certainly not Lord Stratford. He could not find in the blue book that the information came from Sir G. H. Seymour, or Lord Cowley, or that any one gave any such information, and, therefore, he thought the Government bound to tell who gave the information which Lord Clarendon believed in preference to official and authoritative information communicated by accredited agents from St. Petersburg, Constantinople, and Paris. Now, he said, when Lord Clarendon took such special pains to show to the Emperor of Russia and to the Government of France, that the views of the English Government were not in accordance with those of the Government of

France — when Lord Clarendon showed he was determined to believe everything favourable to Russia, and nothing which cast a doubt on the integrity of her intentions—when Her Majesty's Government had refused, in language which he had quoted to the House, and which he would venture to characterise as alike unjust and unwise, to act upon information on which the French Government acted in bringing up their fleet to Salamis, it was not to be wondered at that France, when the veil was torn from Lord Clarendon's eyes, and England announced her intention, almost too late, to interfere effectually, was a little suspicious, and entertained doubts as to the sincerity of England. On the 5th of June, just a quarter of a year after the Government had been warned of the danger to Turkey, and the imminent peril of the Principalities being occupied by Russian forces, Lord Cowley wrote:—

"His Majesty inquired whether it was certain that Admiral Dundas had been actually ordered to leave Malta, and, on being assured of the fact, acquiesced in telegraphic orders being sent to Marseilles to order the *Chaptal* to get under weigh with despatches for Admiral de la Susse and M. de la Cour."

No wonder that the Emperor of the French required the most positive and stringent assurances that orders had been despatched, and that England at last, and not at first, as erroneously stated by the noble Lord (Lord John Russell), was prepared to co-operate with France in resisting the aggression which it had been manifest for months before that Russia intended to make on the integrity and the independence of Turkey. Thus might be said to terminate the first act of this drama. At the conclusion of Prince Menchikoff's mission, and not at the commencement, did the English Government adopt the course of acting cordially with France, in opposing resolutely these monstrous pretensions of Russia. Now, the House would allow him to ask if, instead of that despatch of the 23rd of March which he had quoted, Her Majesty's Government had instructed Sir Hamilton Seymour to communicate to Russia that her explanations of these armaments were altogether illusory and deceitful—that they required explanations which should be really such, and that, unless these were forthcoming, they would be prepared to co-operate with France—that they saw through the object which had brought Prince Menchikoff to Constantinople, and that in the event of their

suspicion being realised, Russia must prepare to encounter the joint opposition of France and England—he would ask whether they believed that, if that course had been taken, Prince Menchikoff would have received upon the 15th of April fresh and more peremptory instructions to push his demands to the utmost? It was a most curious and instructive fact, that for days previous to the 15th of April, Prince Menchikoff was represented at Constantinople as vague in his language and undecided in his demands—as employing sometimes entreaty, and sometimes threats, to induce the Turkish Government to comply with them; but they were told that, upon the 15th of April, he received fresh instructions—that his language then became more peremptory and urgent—that upon the 19th he left his ultimatum with the Sultan's Ministers, and pressed for an immediate compliance with its requisitions—and that, failing to obtain this, he quitted Constantinople; war was virtually declared, and the Principalities were occupied. Was it too much to believe that, previous to these peremptory instructions leaving St. Petersburg, Count Nesselrode was in possession of that extraordinary and astounding despatch which assured the Russian Government that England had no shadow of doubt of the Emperor's intentions; that her position at Constantinople was in many respects different from that of France; and that whatever were the objects of Prince Menchikoff's mission, Her Majesty's Government would not allow themselves to believe that either the independence of the Sultan or the integrity of his empire was exposed to any danger? It was then that these peremptory orders came. It was then that Prince Menchikoff felt the moment had arrived at which he might press his demands—that France might, if she chose, offer some opposition—but that he was, at events, secure that England would not stand in his way. The hon. Gentleman the Member for the West Riding had said that England had advised the Porte to reject the ultimatum of Prince Menchikoff. If England had done that, if she had said, three months before, that these demands should never be conceded, he maintained that it would never have been pressed, and that ultimatum would never have been offered. But the fact was, that England never took that course; she never did advise the Porte to reject Prince Menchikoff's ultimatum. The Porte consulted the English Ambassador upon the subject, and

English Ambassador said—and said very properly, under the instructions which he had received from the Government—that he could not advise the Porte either to accept that ultimatum or reject it. The decision which was come to—and the fact was most creditable and most honourable to the Sultan and his advisers—was come to unanimously by the Ministers of the Porte, acting upon their own responsibility, without any reason to hope that they might depend even upon the moral, still less upon the material, assistance of England in giving effect to that decision. Why, at that very time England was not only not assisting Turkey, nor advising Turkey to resist, but she had just avowed her belief in the assurances which she had received from the Ministers of the Czar. Thus terminated (as he had said) the first act of this drama. The ultimatum of Prince Menchikoff had been rejected. England, so far from acting in cordial co-operation with the policy of France, as the noble Lord on Friday night had represented, had, up to that moment, set herself in direct opposition to that policy. Russia had ample time, with at least the toleration of this country, to press forward her army towards the frontier; and in a short time, every step having been taken, and every preparation made, the Turkish Ministers having refused to accede to the humiliating proposition made to them, the curtain draws up upon the second act, and finds a Russian army having crossed the Pruth and in possession of the Principalities, and Her Majesty's Government willing and anxious to take part with France in resisting this monstrous aggression. He now came to the diplomatic operations of the Government; and no one, he thought, could for a moment presume to blame them that for months they endeavoured to settle this dispute by negotiation rather than by force; but he also thought that it could neither be doubted nor denied that the effect of these prolonged negotiations was in itself very prejudicial to the interests of Turkey, and serviceable to those of Russia. It enabled Russia to strengthen her army, to prepare her fleets, and to set her whole diplomatic network of intrigue and *finesse* at work in every part of Europe. It tended very much to paralyse the operations of the Turkish army, of the Turkish fleet, and of the Turkish Government. It tended very much to make the Mussulman population of the Turkish empire feel that the Sultan was wavering, and not in earnest; and, as

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they pursued the tale as it was told in these blue books, they would see that these results naturally followed. Still, he was ready to admit that, until Turkey had declared war, Her Majesty's Government were fully justified in trying to settle this tremendous question by peaceful means. But why was it that Russia had crossed the Pruth and entered the Principalities—nay, more, why was it that she had taken the further step of proceeding to incorporate them in her empire without a declaration of war? Was it not clear that her object was to prevent those treaties which were her real instruments of aggression and oppression against Turkey from falling to the ground? She knew that the moment war was declared the treaty of Kainardji and all subsequent treaties would be at an end; and he thought that this suggested a most important question for consideration—Was Her Majesty's Government justified, after Turkey had been compelled to declare war, in insisting on the renewal of those treaties as one of the conditions of negotiation and peace. It was impossible to speak upon this subject without paying a just tribute of admiration to the spirit of moderation which the Sultan and his Ministers had displayed throughout. They had reason to know, and they knew full well, that the pretensions of Russia were based upon those treaties; they knew she would never consent to depart from her own interpretation of them; they knew that Russia was endeavouring to gain by stealth what Turkey herself was strong enough to prevent her gaining by force; and yet they had displayed, from first to last, from the commencement of Prince Menchikoff's mission down to the close of the year 1853, a moderation which was altogether surprising, which might almost be called excessive. But, he did think, that after Turkey had declared war—after Russia had persisted in her refusal even to evacuate the Principalities—after it had become clear that her object was to secure to herself the protectorate over all the Greek Christians who were subjects of the Porte, or to bring about the complete incorporation of the Principalities into the Russian empire—he did think that it was not wise upon the part of Her Majesty's Government to insist on the renewal of the treaties as the basis of negotiation. Well, then, at last, upon the 25th of October, Russia was informed that England had taken her part, and that she would not consent to the terms of Prince Menchikoff's proposition



being forced on the acceptance of Turkey. He would not enter now into the merits of the Vienna note. The hon. Gentleman the Member for the West Riding had said that he would even now propose to put an end to the dispute, to restore peace, and to render war unnecessary, by forcing Turkey to accept that note. So lame and impotent a conclusion to so otherwise able a speech he must confess that he had never heard. He trusted there was no other Gentleman in that House who would propose, after all that had been said and done, to settle the question in that way. This brought him to the question which he knew some hon. Gentlemen thought was the only real and important question which they now had to discuss—What were the objects which Her Majesty's Government proposed to themselves in entering upon and continuing this war? What was the policy which they proposed to adopt in the future? The right hon. Gentleman the First Lord of the Admiralty had called upon the House either to adopt a vote of want of confidence in the Government, or to vote them their unlimited confidence. The statement as to the course which the House should take had been made at the commencement of the right hon. Gentleman's speech, had occupied the middle of it, and had taken up the whole of his peroration. The noble Lord the leader of the House of Commons followed him, but in a mitigated form, and each said that what they asked on the part of the Government was full and unlimited confidence. The noble Lord and the right hon. Gentleman had stated that they could easily understand a vote of want of confidence, and seemed to invite the House to come to that vote. He had no doubt that if they were in the Opposition they would adopt that course; but he thought that hon. Gentlemen on his side of the House consulted the true interests of the country in doing nothing which might tend in the slightest degree to embarrass the future actions of Her Majesty's Government. They were prepared to support any measures which, on their responsibility, Her Majesty's Ministers might state to be necessary for the vigorous prosecution of this war, and for bringing it to a speedy, safe, and honourable termination. But when the noble Lord asked them, reading these blue books, to come to a decision upon the merits or demerits of the Government, upon all these past transactions, and to put that decision in the shape of a vote of unlimited confidence, he frankly confessed

that it was impossible for him, and he believed that it would be equally impossible for ninety-nine out of every hundred of the Members of that House, to come to any such conclusion. But while it was impossible—morally impossible—that they should bear testimony in the manner which had been suggested to the firmness and wisdom of Lord Aberdeen and Lord Clarendon in reference to the past—they were willing, in reference to the future, to give every practical mark of confidence which a Government was entitled to demand. They were willing to vote the money and the men which they required—to give them everything which the Government might state to be necessary; but he thought that while doing this they would be giving just occasion for censure if they abstained from stating their opinion—which he believed to be also the all but unanimous opinion of the people—as to the spirit in which the war should be conducted. The noble Lord had told them truly that success in military measures depended very much upon secrecy, and that he would not give any explanation which would throw light upon intended operations. He thought he had said that most wisely. He believed that such secrecy upon the part of the Government was not only prudent, but obligatory; but he by no means thought that such reserve should be reciprocal. On the contrary, he thought that Her Majesty's Government would have reason to complain, if, after the whole subject had been laid open to review, and to the judgment of the House of Commons, that House should maintain an obstinate silence, and should refuse to state its own opinions, and opinions of the country, as to the object with which the war had been undertaken. They might be told that it was enough to know that it had been undertaken to maintain the independence and the integrity of Turkey, but they had seen what estimation Lord Clarendon and the Chancellor of the Exchequer put upon that independence, and the hon. Member for the West Riding did but recall the attention of the House to sinister rumours, which for months had been prevalent, as to what was intended by maintaining it. It was said, what truth he knew not, that the independence of Turkey was to be maintained by a Protectorate in Commission—and the great Powers of Europe were going to do that blamelessly which we were to war with Russia for attempting that were, indeed, the object of the

he would join his voice to that of the hon. Member for the West Riding, and say, "Heaven forbid that we should enter into it!" He trusted that Her Majesty's Government would give no sanction to so unwise and fatal a course. It would involve us in great difficulties—would lead us to interfere in all the religious commotions of Turkey, and at the best would be adding fuel to fire. The noble Lord continued: We vote your increased supplies with acclamation, the people follow our troops with shouts of enthusiasm to the transports; party strife, as far as this side of the House, is stilled to strengthen the hands of the Executive; but for what? To enable you at the end of a war, which may be long, bloody, and expensive, but which we will not believe can be otherwise than triumphant, to rivet again round the neck of Turkey the chains of Russian dependence that have already eaten into her heart's core! To hand back again to Russia as her private property and preserve that Black Sea which has witnessed the catastrophe of Sinope, and the affair of St. Nicholas, and to place in the cunning grasp of Russia every one of those diplomatic instruments of oppression and intimidation which she has shown herself so willing and able to use! No, Sir, it is not for objects like these, it is not to compel Russia to accept her own terms, it is not to enable her to gain by diplomacy what she has failed to gain, or rather has absolutely lost, by the sword, that the people of England grant these supplies and welcome this war. If such, Sir, be the intentions with which Government has entered upon this war, believe me, such are not the intentions of the country, nor, I venture to add, of the great majority of both Houses of Parliament. It was well said, Sir, by Lord Ponsonby, early in these proceedings, that he feared not the arms of Russia, but the diplomacy of England. I trust, Sir, that we shall not have hereafter to regret that the glories won by the arms of England were lost by her diplomacy; and that the cause of Turkey, which bade fair to triumph by her own inherent strength and valour, was overwhelmed by the fatal counsels and inept dictation of her European allies.

MR. HORSMAN said, that the two speeches which had been made that night raised two distinct questions. The hon. Member for the West Riding (Mr. Cobden) disputes altogether the policy of any interference in the affairs of Turkey, while the

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noble Lord who had just sat down, approving of that policy, disputes the manner in which the Government had fulfilled the obligations imposed upon them. Now he must say that, considering the importance of this question, and the great interests that were involved in the crisis in which they stood, and considering also the impossibility of avoiding discussion upon it, it had struck him that there was considerable force in what was stated by the noble Lord the Member for the City of London (Lord J. Russell) the other night, namely, that if this question was to be raised at all, it had better be raised upon some distinct Motion upon which the opinion of the House and the country could be taken. For no highly beneficial result could follow an incidental discussion like the present, where they obtained the opinions and criticisms of individual Members, without arriving at any conclusive judgment of the House itself. There was nothing, however, to complain of in the manner in which the proceedings of the Government had been criticised, while the occasion which had been selected for offering these criticisms was a strictly constitutional one. It was the occasion when they were called upon to go into Committee for voting supplies, and it was only natural that questions should be asked as to what purposes the supplies were to be devoted. Before he proceeded to remark upon the more interesting part of this question, he must be permitted to advert for a few moments to the speech of his hon. Friend the Member for the West Riding; he confessed it was with surprise and regret that he listened to many portions of that speech. He dissented from his arguments, his facts, and his history, and as the hon. Member exercised a very deserved influence over large masses of his countrymen, he could not allow his observations to pass without expressing his opinion as to some of the fallacies he had uttered, and without supplying some few facts which he had omitted. First, he felt surprise that one so acute as his hon. Friend should treat this question as a mere dispute between two neighbouring States, of which the causes and the consequences were confined to themselves, and with which other countries had nothing to do, and also that he should have expatiated on the folly of going to war to uphold a country which according to him was in a state of moral and material decay. He should have thought that by this time his hon. Friend would have discovered that

this was not a question of Turkey, but a question of Russia—a question of Europe; not what Turkey was at this moment, but what she would be if absorbed by Russia. The question was, shall the Emperor of Russia be Emperor of Turkey also? He was sorry to refer to the speech of his hon. Friend in his absence; but there was one leading point in it upon which all his arguments were grounded, and which he therefore could not avoid noticing. The hon. Gentleman grounded his argument on the supposed fact that the whole dispute grew out of a miserable note which was to form the foundation of a harmless treaty—a mere question of a protectorate over a Christian population; and he (the hon. Member) added that Russia wished for this protectorate for sinister purposes, and to gratify purely selfish motives. Did not that admission involve the whole question? What, he would ask, was the origin of this affair? The commencement of the aggression was in pursuance of a policy long planned and deliberately carried out, by which the possession of Constantinople was held indispensable for the accomplishment of Russian ends, and having once accomplished that what was to prevent her getting possession of Greece. Not only did Russia desire to extend her empire from the White Sea to the Mediterranean, but to establish a dictatorship over Europe, bringing to bear upon the civilised races of Europe the semi-barbarous hordes of the north. But if Russia became mistress of the Mediterranean, not only would the balance of power be destroyed, but the commerce of England would be destroyed, our Indian empire more than threatened, and the liberties of Europe endangered. The danger which one far-seeing man foresaw was now real and imminent, and that “delusion” of Napoleon at St. Helena was now a dread reality. There was not a statesman in Europe whose attention had not been drawn to the appalling prospect of Russian aggression. There was not a Cabinet in Europe which had not in recent days felt the secret influence of Russia; and Russia being a power enormous in its proportions, absolute in its principles, military in its organisation, and secret and crafty in its designs, was the fear not a natural one that her influence might extend itself in this struggle beyond the mere boundaries of Turkey? While there were certain maxims of national morality to uphold and guide the conduct of other States, there were none in Russia, or, if there were,

the thirst for territory overrode them all. In constitutional States a check was kept upon the ambition of sovereigns by the conduct of their subjects or the nature of their institutions, but such considerations had no weight or influence with barbarians thirsting for conquest. We valued our commercial relations, because we depend upon commerce, but Russia thought only of political advancement, which depends only upon war, and the present being considered a favourable moment the long-meditated blow had been struck at Turkey. Modern history would be searched in vain for a parallel to the crime which Russia had commenced, and was now following up in Turkey. The whole proceedings of Russia, from the opening of the dispute down to the massacre of Sinope, not even excepting the declarations of the Emperor himself, whose disregard for truth had become proverbial, was a series of continued fraud, falsehood, and deception. Russia by her conduct, in fact, throughout the dispute had shocked the whole of Europe, and what added to the scandal was the circumstance that the Emperor professed to be actuated by a desire to promote the cause of the Christian religion. This aggression had been a long-meditated crime, which would have been incomplete if religion had not been invoked to sanctify its shame and accomplish its infamy—that religion which in all ages had been the cloak of the hypocrite and the plea of the robber. It was religion which comforted the conscience of the Czar while he led his legions across the Pruth—it was religion which was invoked only that it might be rejected and trampled upon by the vile instruments who called it in aid. On what ground the hon. Member for the West Riding justified the possession of Turkey by Russia, he confessed he was at a loss to understand. The hon. Member said he would reduce it to a practical question. In what respect was it a practical question? Now, was it a pecuniary, a commercial, or a political question? Was it to be settled on the ground of justice and morality? Treating it as a pecuniary question, he (Mr. Horsman) believed that, if Russia possessed Constantinople, the estimates for our necessarily increased fleets would yearly meet with opposition from the hon. Member, and he would soon find that there was some difference between having the Russians at Constantinople instead of the Turks. Dealing with it as a commercial question, the tariff of Turkey was freer than that of

Russia, for was the free navigation of the Danube and the opening of the Black Sea to be counted as nothing? In a political point of view, if Russia obtained possession of Constantinople, she would then be almost able to dictate terms to Europe, and, if she increased her power by absorbing Constantinople, she would become omnipotent in Europe, and, if omnipotent in Europe, what terms might she not dictate, what inroads might she not make upon our liberties? But what had been the conduct of Turkey? Could any one say that throughout the whole of this war she had not won the admiration of Europe? At the commencement of the dispute our assistance to Turkey was apologetic and weak; and it was contended that a minority of infidels were endeavouring to rule over a majority of Christians. The early successes of Turkey were, in fact, deplored, as being likely to render her less manageable. In a debate upon Turkey at the close of last Session, on the 16th of August, the noble Lord the Member for Tiverton (Viscount Palmerston) said that the picture of Turkey's decay drawn by the hon. Member for the West Riding was overcharged, and he spoke of the progress which that Power had made within the last thirty years. The noble Lord was present that night. Did he adhere to his former opinion? Since the commencement of the war, had we not been surprised at the achievements of that "miserable power?" In arms she had been eminently triumphant. Her generals had crossed the Danube in the face of armies supposed to be numerically superior; they had defeated the Russians on every occasion that they had fought man to man; and the troops with which the Czar had so haughtily crossed the frontier had suffered constant defeat. The hon. Member for the West Riding said the Turks could not fight; but had they not, he again asserted, by their moral superiority, and by their calmness and moderation, gained the admiration of Europe? Brave in battle, they were still more brave in council, disconcerting even the arts of Russian diplomacy. It was the Sultan alone that had encountered the Russian arms; it was he alone that had successfully opposed the diplomacy of Russia. It would be impossible to conceive anything more difficult than the position in which Turkey had been placed since the commencement of the war. During the whole period of these negotiations Turkey had not made one false step. The conferences of Ambassa-

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dors had made many, but she had saved herself from ruin by not following them. Her allies had failed her, but she had never failed herself. She had confronted the subtleties of the Czar, she had turned aside the menaces of Austria, and she had routed the armies of the Russians on the Danube. But, threatened by her own subjects, and provoked from without, her Government had maintained a calm and resolute attitude. Throughout there had been no excitement, no irritation, no want of self-control, no overweening confidence at one time, no misplaced timidity at another. And if to all that was added, what in his opinion supplied the pretext of all her claims for admiration, her abstinence, her scrupulous abstinence, from all appeals to the religious fanaticism of her people, and holding in mind that it was in the cause of civilisation and freedom she was battling, while she combated for her own existence—he would say that there was not a Christian Cabinet in Europe that might not learn something from Turkey's example—not a Christian man that would not pant for her success in the day of battle. Now, the obligation of this country to support Turkey having been acknowledged by Her Majesty's Ministers, the hon. Member for Aylesbury (Mr. Layard) had raised the question how these obligations had been fulfilled, and the noble Lord who had spoken last proceeded in a speech of much ability and perfect fairness to prove, from the despatches on the table—what, indeed, the noble Lord the Member for the City of London was not understood the other night to deny—that throughout those negotiations the Cabinet of this country had been much deceived. But the question which had to be determined was not whether the Cabinet had been deceived, but whether that deception implied such an amount of incapacity and weakness on the part of Her Majesty's Ministers as called for a diminution of the confidence of that House in their ability, and such as was deserving of its censure. Now he had examined the blue books with, perhaps, as much industry, though he could not analyse them with as much ability, as the noble Lord opposite (Lord J. Manners), and he would confess that he had done so with very much the same feeling—a feeling rather unfavourable to the diplomatic hesitation of Her Majesty's Ministers. But he was bound to acknowledge, after a patient investigation of these papers, that throughout the negotiations he found the



Earl of Clarendon, who had the conduct of them, not only in a position of great difficulty, but that his position, when he had to come to a decision, was such as involved only a choice of difficulties—that it was impossible for him to adopt any course which would not have been questioned as doubtful at the moment and as very hazardous in its results. And he had, therefore, come to the conclusion that no course could have been suggested—he had heard none suggested by any party—and undoubtedly the noble Lord who had just spoken had suggested none—which would not have been far more questionable at the time, and ultimately far more disastrous, than that which had been adopted by the Cabinet. At the same time he was quite ready to express his sympathy for those Gentlemen who maintained that a more energetic policy should have been pursued last year on the occupation of the Principalities. He himself, for one, had entertained that opinion. He felt so at the time, and, indeed, he should have been glad if the passage of the Pruth had been made a *casus belli*. He had thought the occupation of the Principalities should have been immediately met by the recall of our Ambassador from St. Petersburg. He should have been very glad if our squadron had been so employed as long ago to have left Russia without a fleet. Such, with his limited information, and still more limited responsibility, would have been his views. Her Majesty's Ministers, however, with larger information before them, and knowing the responsibility attendant on such a policy, adopted another course; but had the result shown that they were wrong in so doing? He did not quite understand if the noble Lord opposite (Lord J. Manners) had taken up the same position as the hon. Member for Aylesbury, with regard to the course which should have been adopted on the invasion of the Principalities. He had understood that hon. Gentleman to say that if, when the Principalities had been invaded, they had met that occupation by a declaration of war, Russia would have receded, and that peace would have been the result; and it must be allowed that in making that statement the hon. Gentleman was representing the opinion of a very large section both in the House of Commons and out of it. But that our declaration of war would have caused the Czar to retire from his occupation—though an opinion which any hon. Gentleman had a right to hold—was, in his

(Mr. Horeman's) view, an assertion which no party had a right to make. For it was an assertion not only not supported by a tittle of evidence, but it was directly contradicted by every probability offered by established facts. Now, what was the position of Russia at that time? She had, in the first place, the strongest hope of engaging the German Powers on her side; and next, she altogether disregarded the possibility of a cordial alliance between France and England. She was intriguing to create an insurrection among the Christian subjects of the Porte, and it was well known that in other parts of the world she had other designs and machination which she expected to embarrass England and strengthen herself. Well, now, what would have happened upon our making that declaration to compel her to evacuate the Principalities? In the first place the displeasure of the German Powers would have been awakened; and next, from what had been since seen of the fixedness of purpose of the Russian Emperor, could any man now suppose that a mere threat of war on the part of England, unsupported by an ally, would have induced so proud a Monarch as he was to retrace his steps, and with the German Monarchs on his side, and all the chances in his favour? Then they must also contemplate an alternative contingency which Her Majesty's Ministers could not leave out of sight. Suppose a hostile declaration had not succeeded—suppose that the Czar had sent forth defiance—suppose that England found herself actually at war with him—what would have been their position? Finally, all the majority of European nations would have been against the Government of England. And what would happen at home? Was it imagined that there, at least, Her Majesty's Ministers would have been in a majority? What would have been the course of proceedings in that House? Why, would they not have been told that the Government had acted with the greatest precipitancy? Would they not have been reminded that the Principalities had been occupied before without war ensuing? Would they not have been told of the dreadful calamities of war, and that the duty of Ministers to have exhausted negotiations even unto the very last of concession, before having recourse to so awful an alternative? Would they have been told that it was the intention of Russia herself to remain at peace, as with so proud a Potentate, who con-

himself the conservator of order in Europe, while conciliatory measures might have gained their end, Her Majesty's Ministers had resorted to force. Thus hon. Gentlemen opposite would have been found acting on these convictions—Ministers would not have been supported by the leading parties out of doors, and the people of England, unconvinced of the necessity of war, and disunited as to its policy, would have been impatient of its burdens, while in that House the question would be used as the constant theme for party motion against the Government, which would have sacrificed its strength and character, and perilled even its existence by that precipitate energy which they were now sneered at and blamed for not having displayed at an earlier period. Such would have been the condition—the embarrassing and disastrous condition—of this country, if the declaration of war had not succeeded in intimidating the Czar, and he thought that subsequent events had gone to prove he was not the man to have been so intimidated. But it was also said by the noble Lord (Lord J. Manners) that the noble Earl administering the Foreign Department had shown himself very weak and very credulous, because, having received assurances from the Russian Chancellor of the pacific intentions of his master, he had believed those assurances, at the very time when he was in possession of those very reports which showed him that Russia was increasing her preparations for war; and the noble Lord over and over again declared that the noble Earl was highly censurable for thus believing, while these increased armaments were going on, in the probable preservation of peace. At the same time, it appeared to him that the noble Lord had made some important admissions in his speech, to justify him (Mr. Horsman) in speaking of it as being characterised by injustice, because on an examination of those despatches he did not find that the Earl of Clarendon, with the evidence of increased armaments on the one side, had trusted merely to the assurances of the Russian Minister on the other. He rather thought the noble Earl was too experienced a diplomatist to trust so much to Russian diplomacy in preference to obvious facts. He had found in these despatches no absolute mitigation of the war cry, but that the assurances of peace were confirmed and supported by other circumstances which gave to them a weight and a credibility which they might not

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otherwise merit. No doubt Russia at that time was concentrating large armies, and for the purpose of ambitious designs, if circumstances had favoured their execution. At that time she had hopes of the co-operation of the two German Powers; she might fancy that by an immense display of forces she would intimidate those Powers into an alliance with her; she also scouted the idea of anything like a cordial alliance between France and England; and if the result of the negotiations had been in accordance with the hopes she had entertained she would have marched her armies to Constantinople. But these blue books showed that Lord Clarendon had other information; he was in possession of those despatches to which the hon. Member for Aylesbury referred the other night, by which Austria and Prussia pledged themselves that in the case of an aggressive war being undertaken by Russia, they would range themselves on the side of France and England. He was also well aware—on which the people of England could not congratulate themselves too much—that they had a sure, a trusty, and cordial ally in the Emperor of the French. And, therefore, he had not merely trusted to the assurance of an old diplomatist, but he knew that those assurances accorded with the interest of Russia, and that she could not enter on that war except at manifest disadvantage, and to the detriment of those interests. Now, suppose that in the month of last July the noble Lord (Lord J. Manners) had gone to the Foreign Office to remonstrate with the noble Earl on the folly of continuing negotiations, while Russia was continuing her armaments, and let him imagine Lord Clarendon to put this question to the noble Lord:—"You think Russia is intent on war, but suppose the result of the negotiations unfavourable to her, and that on their termination Russia is so completely alone that not only in the event of hostilities will she have the armies and fleets of England and France against her, but that in certain contingencies these will be backed by Austria and Prussia—are you of opinion that she will go on against such odds?" Now, what would have been the answer of any sensible man to such a demand? He would have said at once, "If such a combination as that just described could be brought about—if the position of Russia could be rendered so isolated, and her going to war so fatal, the Government of England need not trouble itself about her

armaments, for that Russia understood her interests too well to engage in a war," and that the noble Earl might therefore go down to the House of Peers, and say, notwithstanding all appearance to the contrary, that he had every confidence in the preservation of peace. That appeared to him to have been the position of Government. It was not that they trusted merely to the assurances of a Minister that peace would be preserved, but they expected that the Emperor of Russia had always an eye to his own interest; that that was a ruling principle of his life; and, therefore, when Lord Clarendon calculated, on that occasion, that the Czar would act in accordance with his interest, he made that calculation which every prudent man would have made, and he was deceived as every prudent man might have been. The noble Lord (Lord J. Manners) put a question regarding the character of these despatches. It was, however, quite impossible to maintain, that written, as these despatches were, under such circumstances of peril and difficulty—with an enemy in front so formidable as the Czar—with allies so slippery as the German Powers—it was impossible to maintain that in everything that had been written they had used precisely the right words, or that every answer had been dispatched precisely at the right time. On the contrary, there was much room for criticism. He found in them evidence of confidence frequently misplaced, of calculations frequently falsified, and quite sufficient testimony that the old and worn-out machinery of notes and conferences had been brought to bear without success. But he must say that, taking these notes as a whole, they presented to him the parties conducting these negotiations, as men meeting together in critical circumstances, under a sense of their responsibility, conscious of the momentous consequences that would ensue from the slightest false step, deeply impressed with the calamities of war, incurring danger in the interest of peace, and devoting all their energies, zealously and conscientiously, amidst divers interests, to settle the demerits of a great European question, for the warding off, perhaps for the next generation as well as this, the heaviest calamities that could be inflicted upon man. Now the noble Lord followed up this statement by another, and which he (Mr. Horsman) thought of all the statements he made was the least supported by facts. He stated that the delay which had resulted from

negotiation had tended greatly to the injury of Turkey and to the advantage of Russia. Now, he must say on the contrary, whether by accident or design—it being impossible to sever a policy from its results—that if war was inevitable from the first, it was impossible for any combination of circumstances to have placed this country in a situation more favourable, or in one giving more life to our movements, more union to our councils, than that in which she happily now stands. And, on the other hand, would it have been possible to have placed the Emperor of Russia in a position of greater difficulty and embarrassment, from which to extricate himself without humiliation and loss—whether our Government had to calculate on the adroitness of its own diplomatists, or the blundering of his—than the position in which he was now so happy to see him. Eight months ago the Emperor of Russia was in a great position—he was the representative of order or legitimacy in Europe; now he stood forward unmasked as the greatest of revolutionists and isolated without one popular sympathy, without the support of one Cabinet—foiled in his intrigues with Persia—repelled by Sweden and Denmark—separated from Austria and Prussia—unsuccessful in war in Asia, and well thrashed on the Danube—he had shown an alacrity in sinking, which, if he might say so without disheartening the feelings of the hon. Member for the West Riding, was perfectly refreshing. England and France were masters of the situation, and the Czar must submit to any terms they might dictate, or he must continue to fight under disadvantages that must lead to his eventual extinction. The noble Lord had asked the ends and objects for which they were going to war. He, too, would have been glad if the noble Lord (Lord J. Russell) had comforted them by saying that they were not going to war to establish the *status quo ante bellum* by the renewal of the old treaties. On the contrary, he believed it was their duty to take care not to secure a peace unless that peace was guaranteed by full, certain, and ample securities against a similar aggression in future. The same motives for aggression would always exist—a better excuse could not be wanting; and it behoved them to guard against the recurrence of attempts to which Turkey would otherwise always be subject, and by which Europe would always be embarrassed. But there was an additional guarantee, for which they

had provided in the case of the war between Turkey and Russia. By the treaty of Adrianople Turkey was made to pay the sum of 5,000,000*l.* for the expenses of the war which was not her fault. Now, the present war had been attended with ruinous expense to Turkey, and he therefore trusted that one of the conditions of peace would be that Russia should be made to give her indemnification for its expenses, and that Turkey should receive material guarantees in the restoration of those territories of which she had been deprived. He had no great fear of Russian armaments, although he had of Russian diplomacy, and he held the opportunity which she had now given should not be allowed to pass unprofitably, and that, if she had thus forced upon Europe the direst of calamities, she should be made to pay for it the severest penalties. He believed the people of England did not care much whether past negotiations had been successful, but he thought they would insist on future operations being consistent and manly. He believed they were entering on a crisis, the extent and magnitude of which might still depend on the ability with which it was met; and they had a right to expect that the Ministry which was to guide them through that crisis should have a sure policy and a defined purpose; that in the worst vicissitudes of war they should speak rather as men than as diplomatists; and thus the people of England, if they were so led, and for such a purpose, would welcome any sacrifice and gladly brave any dangers which were to save Europe from a barbaric incursion, and establish more firmly than before the peace and liberties of the world.

MR. DRUMMOND said, he did not mean to question that part of the eloquent speech of the hon. Gentleman who had just sat down, in which he had passed a just panegyric on the statesmanlike qualities displayed in the papers laid before the House. But he must say he thought his concluding observations exceedingly dangerous. He begged the House to consider that the first despatch in these blue books was dated May, 1850, and that they were now in February, 1854, and yet this was the first time that any attempt was made, either by the present or by any former Government, to give the people of this country any information of what was going on in reference to these transactions. He

—ed that such a proceeding was unde-

led in the records of Parliament,

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and it was the more important, as he believed that the country stood in great need of information. The hon. Gentleman who opened this debate (Mr. Layard) had several times last Session attempted to bring this matter forward, and Her Majesty's Ministers then felt the discussion so inopportune that they besought him, almost as a personal favour, to postpone it. When, at last, the hon. Gentleman, in the present Session, did seize the opportunity to bring this matter before the House, he was met by Her Majesty's Ministers with taunts and reproaches for employing his time in pottering over blue books, instead of lauding him for his efforts to bring the subject before the House. At present, all they knew was that the Sovereign and her confidential advisers were going to war, but they did not know if anybody else was going to war. Now, would it not be well to examine a little who was going to support them? It was said the country would support them, but the country was an abstract term; let him come a little to the concrete. They had heard from the hon. Member for the West Riding that certain persons in this country were exceedingly ill-disposed to be interrupted in their manufacturing munitions of war for the enemy. They seemed to think it an interference with free trade, and, if that was their feeling, the House might depend upon it that, though these merchants might not take their goods to Russia direct, they would find means to have them carried—aye, and by English merchants, too—to those places where they might supply the enemy with the means of destroying our soldiers. It was not to be supposed, then, that these manufacturers were likely to support them in the war. They might, perhaps, flatter themselves that the poor would be favourable to the war, for Ministers said, "We shall only raise taxes from the rich. We shall double the income tax, but we shall not take any taxes from the poor." But let him ask them, would not the taxes upon the rich ultimately fall upon the poor? Besides, had they shown yet one single reason why the people of England should go to war? The right hon. Gentleman opposite (Mr. Disraeli) said that he and all his friends were ready to vote the supplies. No doubt of it. They would vote anything to get Ministers into a mess. The question was, how they would act when they had got them into a mess. Why, they would do precisely what the Whigs did during the last war—



they would torment and tease the Government with hostile criticism, in order to displace them if possible. But even Ministers were not immortal; he might add that their position was not immovable. How could they be sure that the noble Lord would continue to act as he now proposed? Suppose that he were in opposition, what would he do? Just what the Gentlemen opposite were now doing. He would assuredly lend no strength to those who might be in office to assist in carrying on the war. He therefore heartily prayed for the noble Lord, both personally and officially, in Eastern phrase, "May his shadow never be less." How otherwise could he answer for the conduct of the war? How could they be sure that there would not be in the newspapers some letter to the electors of London, or perhaps to a Bishop, blowing up the whole Government? How could they know that the noble Lord would not play the Guy Faux to his own party? Now that the people of this country were entering upon war, it was right and proper they should be told what they were going to war for; and though he had read the blue books through, he had not found a word upon that subject. He was led to believe, and he thought he could prove it, that they were about to enter upon a religious war. They were entering upon a crusade for the tomb of Geoffrey de Bouillon, which was already so broken that it was scarcely discernible, and into this crusade they were to be led by that author of all mischief, the Pope. The right hon. Gentleman (Sir J. Graham) had told them what he expected. In the favourite phrase of Mr. Pitt, he evidently wanted indemnity for the past and security for the future. A document had appeared from Prince Metternich, in a foreign journal, in which he showed that of all the nations upon earth England had the least interest in this question, and that the only end of going to war was to inflict such a wound upon the enemy as should disable him, in order to make him sue for peace, but it was impossible for Russia and England to inflict such a wound on each other. Now he would show them what the public thought upon this question, by quoting an extract from a journal that was conducted with great talent and ability, and that possessed, he believed, a considerable circulation. The journal was one that was chiefly to be found in public-houses, and

was consequently read by a greater number of persons than many of the other papers:—

"It is high time they should be finally assured that every penny taken out of every Englishman's pocket, to pay the charges of this contest, we are determined to get back again. No rascal Autocrat must be permitted to disturb the peace of Europe 'on tick.' It is not enough that he should be beaten, humiliated, quashed. He must and shall be made to 'pay the piper.' We are a nation of shopkeepers. We post our daybook and keep up our ledger. We shall have a heavy account to balance with Russia for this 'vexatious defence' or 'malicious prosecution;' and by Him that made Englishmen with a hatred of oppression and a love of justice, that headstrong Autocrat who has presumed to trifle with the peace of Europe and the progress of mankind shall be made to pay us 20s. in the pound, or to have an execution put into his house, and a broker's man placed in possession. We would arouse the attention of every good subject to this consideration, so that a sound basis of public opinion may be laid at the outset, and so that Ministers may be set right and kept right by the people, should they be inclined to go wrong. We deliberately reiterate the conviction that henceforth no war on our part can be justified, either to the consciences or to the understanding, which does not also bear out not merely the right, but the soundness of the policy of making it bear its own charges. Indemnity for the past and security for the future, are the right of every State that is 'sinned against, not sinning.'"

Now he wished to know whether this was really and truly the sort of support Her Majesty's Ministers were receiving in the country? Was this truly the object for which they were now going to war? Let it be remembered that the circumstances under which we should prosecute this war were very different to those of the last. In the last war we took ships from the enemy every day; every now and then we took a rich colony and absorbed the trade of the world, so that we increased in wealth enormously; but in the present war we should have nothing to take; we should have only hard blows to give and heavy bills to pay. But it was said, "This is a popular war, and the whole country is anxious to get into it." No doubt the country was very angry with Russia, and therefore we ought to go to war; but he must say that the hon. Gentleman near him (Mr. Cobden) had taken more pains than any man he knew to excite that opinion. Nay, a short time ago he even volunteered to crumple her up like a sheet of paper;—and if he had been only good enough to put the threat into execution, he would have saved the world a good deal of trouble, and that House a good deal of debate. The noble Lord (Lord J. Russell) had said, if he

(Mr. Drummond) were not mistaken, that the original cause of this trouble was the Holy Places; but that the whole of that question was now given up. All given up! Why, what superscription was that at the back of the blue books? Where were those blue books about what was now called the balance of power? Nowhere; but here was the title of those with which the House was now pottering: "Correspondence respecting the Rights and Privileges of the Latin and Greek Churches in Turkey." The Latin and Greek Churches were the whole subject of the blue books; and they constituted the matter with which the House had now to deal. And he would maintain that from the very first up to this hour, this was the whole subject, and nothing but the subject. This was what he wished the country to consider and to understand. He wanted the country to consider and to understand that it was not the balance of power, but the Latin and Greek Churches, that we were going to fight about, and we were to all intents and purposes entering into a religious war. The balance of power he should come to before he sat down; but, meanwhile, he would assert, that the sole question was a religious question. Sir Stratford Canning, for example, said, in a despatch to the noble Lord the Member for Tiverton, then Foreign Secretary:—

"The French legation at this Court considers itself entitled by the treaty of 1740 to take the lead in vindicating the alleged rights of the Latin Church (i. e. Greek Papists, subjects of the Porte). The Pope has been moved to exert his influence in furtherance of the views adopted by France; and all the Catholic Powers will be engaged by his Holiness to co-operate for the same purpose. The Spanish, Sardinian, and Neapolitan representatives have severally given in notes to the Porte, seconding the French demands. The Austrian chargé d'affaires has recently received instructions to support the Latin view of the question. The Sultan proposes mixed commissions to examine into the claims of all the Christian sects."

What object his Holiness might have in starting this question he neither knew nor cared; all he had to do with was the correspondence, from which he found that the same thing continued to go on. And in another despatch from our Ambassador at Constantinople, he says:—

"I am informed that the Spanish, Sardinian, and Neapolitan representatives have severally given in notes to the Porte, seconding the French demand, and stating that they act by the express command of their respective Governments.

"The Greeks, as on former occasions, are un-

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derstood to be preparing for a vigorous resistance; and, judging from expressions which M. de Titoff has let fall in conversation, I have little doubt that they will be strongly, if not ostensibly, supported by Russian influence.

"The Porte is fully aware of the important political considerations involved, and the strong conflicting passions likely to be engaged in the pending controversy. It will probably be slow to commit itself to a conclusive answer; and its reception of General Aupick's application appears, though courteous, to have been reserved. Aala Pasha is evidently inclined to doubt whether the terms of the treaty referred to by that Minister are calculated to bear him out in his view of the subject."

In the following year, namely, 1851, Sir Stratford Canning, in writing on the 4th of November, to Lord Palmerston, said:—

"M. de Lavalette, instead of pushing his right to an extreme, took upon himself the responsibility of declaring his readiness to extend the principle of joint possession to the whole number. In so doing he would have anticipated the instructions of his Government, and exposed himself to the animadversion of Rome and of certain parties in France."

Meaning that party represented by Count de Montalembert. In another despatch it was stated that M. Lavalette had more than once talked of the probability of a French fleet appearing before Jaffa, unless the demands of France, in respect to the Holy Places, were conceded. The noble Lord (Lord J. Russell) in a despatch to our Ambassador at St. Petersburg, complained as follows:—

"Her Majesty's Government cannot avoid perceiving that the Ambassador of France was the first to disturb the *status quo* in which the matter rested. Not that the disputes of the Latin and Greek Churches were not very active, but that without some political action on the part of France those quarrels would never have troubled the relations of friendly Powers. In the next place, if report is to be believed, the French Ambassador was the first to speak of having recourse to force."

That was to say, these things were begun under the pretence of religion, but secretly with a political end. In all this the Turks behaved uncommonly well. They did not care one farthing whether the dog eat the hog or the hog the dog, so that the matter was settled; and they said, "We will send a Commissioner to Jerusalem, who will put you both to rights." Accordingly Azif Bey went to Jerusalem; he invited the different parties to meet him in the Church of the Holy Virgin, and here was the account of what took place:—

"Azif Bey invited all the parties concerned to meet him in the Church of the Virgin, near Gethsemane. There he read an order of the Sultan

for permitting the Latins to celebrate mass once a year, but requiring the altar and its ornaments to rest undisturbed. No sooner were those words uttered than the Latins, who had come to receive their triumph over the Orientals, broke out into loud exclamations of the impossibility of celebrating mass upon a schismatic slab of marble, with a covering of silk and gold, instead of plain linen, among schismatic vases, and before a crucifix which has the feet separated instead of one nailed over the other."

What an example was here set to the world! But this was not all. The cupola of the Church of the Holy Sepulchre was broken down, and the parties there could not agree who should repair it. "Very well," says the Sultan, "if you cannot agree among yourselves who shall repair it, I will repair it for you." Thus Colonel Rose said:—

"The cupola of the Holy Sepulchre has for a length of time been in decay, and the violent disputes of the Greeks and Latins as to who should repair it are the cause that nothing has been done to it. It has now been decided that the Sultan is to repair it, and M. de Lavalette apprehends no dissension on this score. But Fuad Effendi foresees that embarrassment will arise from the pretensions of the rival sects as to whether the inscriptions round the cupola are to be in Greek or Latin, whether the sacred images in it are to be made and habited according to Greek or Latin fashions."

So that, in fact, this was a dispute whether the milliner was to come from Paris or from St. Petersburg, to dress up these idols. [*Laughter.*] Yes, the matter did appear very fanciful, and it was certainly extremely ludicrous if—war was not impending over us about it. He did not like troubling the House with extracts, and he would only read one more, for he was anxious to prove the assention with which he had set out—that this was a holy war, and that the question of the balance of power was altogether an afterthought which had nothing to do with the real cause of quarrel. The noble Lord (Lord J. Russell) said:—

"We should deeply regret any dispute that might lead to conflict between two of the great Powers of Europe; but when we reflect that the quarrel is for exclusive privileges, on a spot near which the heavenly host proclaimed, 'Peace on earth and good-will towards men;' when we see rival Churches contending for mastery in the very place where Christ died for mankind, the thought of such a spectacle is melancholy indeed. Both parties should be told that, above all, they ought to refrain from putting armies and fleets in motion for the purpose of making the tomb of Christ a cause of quarrel among Christians."

He had read this passage because he thought it exceedingly creditable to the

person who indicted it—exceedingly creditable to the Sovereign, of whom he was a servant—and exceedingly creditable to the Administration of which he formed a part. But still he must come back to this plain point—why were we not told all this a year ago? He believed that if we had, the result would have been that such a storm of indignation would have been raised, and also of laughter, as to the whole subject, that we should have heard no more of it at all. Sir Hamilton Seymour said, in 1851, that the difficulty he apprehended arose from concealment and underhand dealing. Then he (Mr. Drummond) asked why, in 1853, had not the House of Commons all these things before it. Then it was added—"The grievous difficulties from which the whole of Europe is at present suffering, have proceeded mainly from concealment and underhand dealing." This put him in mind of a story he had heard a long time ago. A Highlander brought home for his lady-love a parrot which spoke exceedingly well. Another Highlander, determined not to be outdone, went to Edinburgh and bought an owl, which he presented to his lady-love. When the owl came, "Oh," said they, "he cannot speak." "No, he cannot speak," replied the Highlander; "but see what a power o' thought there is in his face." So he supposed it was pretty much the same with the Government. It had been contended, and especially on this side the House, that we have interfered a great deal too much in continental matters. He thought so, too, but not upon precisely the same grounds. It was, in his opinion, not befitting this country to be taking part, whether justly or unjustly, with those Imperial and Royal tyrants who had trampled upon the rights of the people from Archangel to Naples; nor was it decent to be showing sympathy with those who said they would establish the liberties of Europe by the indiscriminate slaughter of every official person. But there never was a time when we might have so well escaped from continental meddling. The Emperor of Russia had broken the treaty of Vienna. The Emperor of Austria and the King of Prussia were as much bound to enforce the fulfilment of that treaty as ourselves. But they also had broken it. The consequence was, a complete diplomatic chaos; and there was a complete *carte blanche* for future action. Now, he believed that if the Government had taken advantage of this occurrence,

they would have been able to mediate with better success between sovereign and people than by any course they had hitherto pursued. He came now to what was called the balance of power. The noble Lord (Lord J. Russell) said the other night, and also last year, that he was surprised at any person who doubted the policy of maintaining it, and that it was a subject which had occupied the attention of every statesman in Europe. But, without venturing to express an opinion opposed to those of greater and wiser men than himself, he might call the attention of the House to solid facts. They all knew the time when consternation seized every Minister of Foreign Affairs in Europe because a Bourbon was going to mount the thrones of Spain and Naples. But, in point of fact, was France one whit more powerful after that event than before? It was notorious she was not. Nor did he believe that, if the intention of Catherine was now fulfilled, which she declared when she christened her second son Constantine, of placing him upon the throne of Constantinople, that Russia would have been one whit more powerful than she was now, or that, if the Emperor of Russia obtained possession of Constantinople now, he would be one bit more powerful than he was at the present moment. But could it be said that Turkey held the balance of power? We had found out that Turkey was our ancient ally, and that her existence as an independent State was necessary to the balance of power in Europe. Why had we not found that out before we took away from her the whole kingdom of Greece? How came we not to think of that before we fought the battle of Navarino, respecting which he remembered hearing Lord St. Helen's say, in respect to that action, "That was a capital battle, but you knocked down the wrong man." How came we not to think of that when the Russians forced the Balkan and were approaching Constantinople, which we might have stopped by sending our fleet to Varna? We had thus reduced the Ottoman empire to the lowest possible state; yet now we hoped to restore its tottering frame under pretence of upholding the balance of power in Europe. On this subject he would read a remarkable passage from a speech delivered by Mr. Burke, in the year 1791, in a debate in that House:—

"The second point was extremely new, and contrary to all the politics with which he was acquainted, either ancient or modern, to bring

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the Turkish empire into the consideration of the balance of power in Europe. Mr. Burke proceeded to show the impolicy and danger of this country espousing the cause of the Ottomans. What was the real state of the question? Merely to plunge ourselves into an immoderate expense to reduce the Christian nations to the yoke of the infidels, and make them the miserable victims to these inhuman savages."—[*Parl. Deb.*, Nov. 20, 1791.]

Such was Mr. Burke's opinion as to the advantages of upholding Turkey. But, supposing the maintenance of Turkey was necessary for the balance of power in Europe, he contended that they could not prevent the war from being a religious war. On this point he would quote from a State paper of Prince Metternich:—

"If the fury of war be now let loose—if, what in modern times has never been witnessed, England and France unitedly array themselves against an opponent, the latter will certainly not be able to keep within the narrow limits of a promise. The stake is too enormous to be risked without the prospect of some gain or other. Such a war Russia cannot terminate with the exclusive aid of mere military auxiliaries. She will have to impart to the war a religious character, in order that it may ignite and inflame without her own boundaries, and place arms in the hands of the subjects of the Sultan against their own master. Turko-Christian insurgents are the auxiliary troops which Russia will then press into her service, and it remains to be seen whether a mere geographical and national boundary can oppose an effective barrier against the stream of awakened fanaticism."

Then, here he would ask, what were we to go to war for? What was the war for? Hitherto, he admitted, the business had been managed with a great deal of wisdom and discretion on the part of Her Majesty's Government; but it was not very long ago, with great difficulty, they persuaded the people of this country to look to the really defenceless nature of their own shores. It was not very long since they persuaded the people to allow them to put their own shores in a better, but by no means a complete, state of defence. It was then the fashion to cry, "Up with the Emperor Nicholas," and "Down with the Emperor Napoleon." This year they had turned round. The Emperor Napoleon was the favourite, and they joined with him to make war upon the other Emperor. And what were they doing besides? They were sending the *élite* of the army to the furthest limits of Europe, or rather into Asia, leaving the Emperor Napoleon to send, as his contingent, those reprobate troops, the condemned regiments from Algeria. When the noble Lord talked about the massacre of Sinope, did he not recollect something about the smoking cave of Colonel le Pe-



liasier? These were the troops France was sending out—such were the troops we were sending, leaving ourselves defenceless. ["No, no!"] Why, it was said by a late speaker that we were sending 40,000 troops. [An Hon. MEMBER: We have not 40,000 to send.] Then that was a good reason for not sending them. We were, however, sending out 20,000: that was not denied. We were, then, going to war; and, going to war under such circumstances, he should certainly be no party to any factious vote which might tend to weaken the hands of the Government. At the same time he should like to know who was to be the Minister of War. Mr. Canning, in his day, thought this a question of sufficient importance to insist that Lord Castlereagh should not hold that office, or he would resign. We were not, however, told who was to be the Minister of War; but we had seen enough to show us that there was a feeble hand at the helm. There was a shaking of the topsails, and an unsteadiness in the vessel's course, which showed that they did not know how to steer their future progress. They were without a chart; they had no compass; and the crew were not particularly united. This was shown in their instructions; and he must say he did not believe that the character of any general or admiral was safe in their hands, for he believed they were capable of sacrificing either to please any faction in that House. ["No, no!"] Why, had they not done so in the case of Sir James Brooke? But if it were true that this war was undertaken to establish the balance of power—if it were true that they were determined to humble the Russians and to support the injured Turks, and they were also resolved to compel Austria and Prussia to stand true to their engagements, or make them take the consequences—then he said, "Go where glory waits you." Let them enter upon that path on which France had already entered; let them enter upon the course to which the first Napoleon was pledged, remembering that the second Napoleon holds himself pledged to fulfil all the traditions of the first. Let them strike a blow at the heart of Russia, and not go wasting your shot in the Black Sea. Let them do an act which should effect at once all these ends—an act which, at length, would be but tardy retributive justice—let them proclaim the re-establishment of the kingdom of Poland. By such an act they would do more to bring continental sove-

reigns to their senses than by any other yet suggested.

MR. I. BUTT said, that he dissented from many of the propositions of the speech which they had just heard. He utterly denied that the war in which they were about to engage was in any sense a religious one, or that we were going to war upon any absurd dispute about the custody of the Holy Places. Surely the hon. Member did not forget that, early in the transactions, every question on that subject had been set at rest, and then it was—after this had been settled to the satisfaction of his own Envoy—that Russia put forward demands, the practical effect of which would be to transfer to Russia the allegiance of 12,000,000 Christian subjects of the Porte—the inevitable result of which would have been at no distant day to place the Czar upon the throne of Byzantium. He would not debate with the hon. Member whether this would injure the interests of Great Britain; he said, with Lord Chat-ham, "I will not argue with the man who does not understand that this to England is a question of life and death." He (Mr. Butt) had ventured to ask the attention of the House, because he believed that upon this question the expression of opinion ought not to be confined to those who were accustomed to take a lead in their debates, but that there ought to be a general expression from the House—from the representatives of every part of the United Kingdom—that, if Ministers were now earnestly about to resist that gigantic tyranny which had assumed an attitude of undisguised menace to the liberties of Europe, in that resistance they would receive from the people of these countries a cordial, a generous, and an enthusiastic support. But he (Mr. Butt) did not believe it inconsistent with these sentiments to canvass their past policy, to seek information as to their present position, or even to ask for assurances as to their intentions for the future. On the contrary, he (Mr. Butt) believed that the support which that House would give to Ministers would lose all its moral weight if it were that of a House of Commons prepared blindly to vote whatever a Minister asked, and if it were not a free and deliberate support, founded upon a knowledge of their intentions a concurrence in their policy, and on a reasoning approval of their plans. This he believed was the true position of a British House of Commons upon an occasion like this. He could not admit that, even in relation to a

war, their only duty was to vote supplies. This was the first time since the Revolution that a Minister of the Crown had asked the House of Commons to vote war estimates without a full statement of the causes that made them necessary, and the objects for which they were asked. It was the prerogative of the Crown to declare war, but it was equally the constitutional right of that House to give or to withhold the supplies that were necessary to carry on war, and when these supplies were asked for they had a perfectly constitutional right to have the fullest information. He heard with surprise the language that had been used by the first of Her Majesty's Ministers who had addressed the House. That language amounted to a claim to withdraw the foreign policy of the country altogether from the cognisance of Parliament. When negotiations were proceeding they were told that to inquire into them was to damage the public service; when they were concluded, to canvass them was to potter over blue books. Against these doctrines he might perhaps venture to quote the words in which the constitutional historian of England describes upon such questions the position of Parliament. Hallam thus describes the advantages of parliamentary discussion of such subjects:—

"The pulse of Europe beats according to the tone of our parliament. The counsels of our kings are there revealed, and by that kind of previous sanction which it has been customary to obtain, become as it were the resolutions of a senate, and we enjoy the individual pride and dignity which belong to republicanism, with the steadiness and tranquillity which the supremacy of a single person has been supposed particularly to bestow."

In the days of the Tudors he knew language had been held to the House of Commons, in which English Sovereigns told them to leave foreign politics to the Crown, and not meddle with things too high for them; but in these days he (Mr. Butt) had hardly expected any Minister to use language which, after all, very closely approximated to this. Upon an occasion like this the House had a perfect right to canvass the past policy of Ministers. But it was essential for them to ask information both as to their present position and as to the objects for which they were going to war. Was this country now at war? In the legal and official sense we certainly were not. But if we were really and practically at war, what delayed its formal declaration? Surely they had a right to have these questions answered when they

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were asked to vote these supplies. They had no Message from the Crown; the only information they had was conveyed in Her Majesty's Speech at the opening of the Session, and in that they were told that, while the efforts of this country for peace would be continued, Her Majesty thought it advisable to increase her armaments—for what purpose? "To give weight to her representations" in the interests of peace. Was this the purpose for which they were now asked to vote these supplies? Was there a man in that House who would vote them for such a purpose? Was there a Minister who would advise their Sovereign now to enter on further negotiations with the Emperor of Russia. But, he asked again, was England now at war? The question was one that vitally affected the honour and the character of this country. Instructions have been sent to our Admiral to enter the Black Sea, and to compel every Russian vessel of war which he met to return to a Russian port, and this order was given while we were at peace. Now he asked, according to the law of nations, how were they to justify this order? If Admiral Dundas had found it necessary to enforce that order, if he had fired into a Russian ship of war and burned her, and destroyed her crew, while that ship was passing from one Russian port to another, how by the law of nations could they have justified this act to the vessel of a nation with whom we were at peace? Would they justify it by the allegation of a defensive treaty with the Porte? Was there such a treaty? If there was, it was impossible then to justify their conduct to the Porte. These orders were actually given, and might have been executed, while diplomatic relations were still subsisting between this country and Russia upon the assumption that they were friendly Powers. He (Mr. Butt) hoped that before the debate closed some Minister of the Crown would distinctly tell them the ground upon which they justified the orders to Admiral Dundas. The question affected in more ways than one the honour of the British flag. See the effect of the doubtful position in which their fleet was placed. Their ships lay at Constantinople, neither at peace nor at war. What is the consequence? Under the protection of the British flag, and almost under the shelter of their guns, a flotilla of their allies is destroyed in the massacre at Sinope; after this is done their Admiral enters the Black

Sea, and leaves it without firing a shot. He returns to his anchorage to avoid the bad weather which was apprehended. In old times their hearts used to thrill when they spoke of the British flag as "one that braved the battle and the breeze;" but now it would seem the highest merit of a British Admiral was that he went out the day after the battle, and came back the day before the storm. This was not the fault of the Admiral, it was the result of the anomalous mission on which they sent our fleet—a mission upon which he could not help thinking a British Admiral never should have been sent—a mission which was nothing more than to act as a kind of special constable, and keep the peace in the Black Sea. He asked, then, that Ministers should distinctly explain to them their present position. But it was of no less importance that, if war is to be declared, the country should know what was to be the object of that war. It was all very well to say it was to resist Russia; but there was another question behind, one in which the honour and the good faith of this country were now deeply involved. Were they prepared unreservedly to support the sovereign rights and the absolute independence of the Ottoman Porte? If they were not—if they entertained any ulterior designs—if they had any reservation in their support, then they would be guilty of the deepest treachery to a confiding ally. The First Lord of the Admiralty had stated the other night, that after Count Nesselrode's manifesto it became impossible to force the Vienna note upon the Sultan, implying that but for that manifesto we should have compelled the Sultan to accept it. Had we done so we should have inflicted upon Turkish independence a deeper wound than any which Russia could strike. What right had we to force the Sultan to sign any note? His position was plain. He had violated no treaty, he had broken no law. Russia had no right to demand his signature to any note which he himself rejected; but neither had France nor England. And had we forced him to adopt the Vienna note, the only difference between that and the ultimatum of Prince Menchikoff would have been that Turkish independence would have fallen by the hands of three assassins instead of one. If he referred to these past transactions, he did so with reference to the future. The noble Lord the Member for the City of London had told the House that a convention had

been proposed to the Porte, which he had no doubt would be accepted, and that by this convention the Porte was to be bound not to make peace without the consent of France and England. He (Mr. Butt) must ask the attention of the House to the fact that terms of a very different character had already been proposed to the Porte. In the despatch of the 24th of December last—a despatch which he had read with a feeling of humiliation when he found a British Minister rebuking and repressing the national spirit of a people rising in defence of their country against the invader—in that despatch Lord Clarendon instructed our Ambassador to demand from the Sultan, as the condition of our naval assistance in the Euxine, not that the Sultan should pledge himself not to make peace without the concurrence of France and England, but that he should give a very different pledge, binding him to submit to any terms of peace to which France and England might agree; with the reservation, that his assent should not be asked to anything which he had already refused. Now, he thought the House had a right distinctly to be informed which of these conditions was embodied in the convention which the noble Lord told them had been proposed. Did that convention bind the Sultan to accept any terms of peace that France and England might dictate? He trusted one of the Ministers would give a distinct answer to this question, for if they imposed upon the Sultan such terms, utterly destructive of his independence, as the condition of their military assistance, then it might be that the armaments which they were asked to vote to maintain against Russia the independence of the Porte, they might in reality be voting for its subjugation. It was now too late to impose conditions. [The honour and good faith of England were pledged; and he (Mr. Butt) could conceive no more monstrous violation of both than if, now, after they had in the first instance encouraged the Sultan to resist—after they had restrained him from driving back the invader at a time when he (Mr. Butt) believed the bravery and spirit of his people, if not repressed by us, could have done it—if, after all this, and when, on the faith of our friendship, he had invited our ships to anchor where their guns commanded his palace—if, after all this, we were now to turn round on him and coerce him to make any concessions which he himself judged inconsistent with his dignity or prejudicial to

his rights. These were subjects upon which he (Mr. Butt) thought the House had a right to expect the fullest and most unreserved statement of the views of Ministers. The hon. Gentleman who spoke last had attempted to drag into this question the religious element, but would any man venture to tell him that it was a part of the Christian religion to side with the Christian oppressor against the unbeliever whom he oppressed? The days were gone by when pillage and rapine were to be justified by the name of the Christianity they profaned. That subject was one on which he wished to say but little; but they had Divine authority for judging of men, not by their professions, but by their acts. Let them try the antagonists by this test. Suppose a stranger, who knew nothing of the religion of either party, but who did know the acts of both, and the duties which Christianity enjoins. On the one side he would find unprovoked invasion—wilful violation of treaties—an army entering an unoffending country, and maintaining its occupation by cruelty and oppression. On the other side he would find scrupulous observance of engagements—patience under insults—moderation under the infliction of wrong—firmness and devotion to the cause of justice and right. He (Mr. Butt) could not help thinking that, judging by the test of their actions, he would come to the conclusion that it was on the southern bank of the Danube that the true Christians were to be found. But if any Gentleman in that House harboured the delusion that they were to benefit the Christian population of Turkey by removing them from the authority of the Sultan to subject them to that of the Czar, they might bring the matter to a practical test. The population of Wallachia and Moldavia were Christians. How had they now been treated by that Russian army which crossed the Pruth to protect the Christian subjects of Turkey? But the contrast was still more complete. In 1848 these Christian provinces had been occupied by Russian and Turkish forces at the same time. He would ask of hon. Gentlemen to read the despatch in which Sir Hamilton Seymour contrasted the conduct of the two armies. The Turkish general treated the people with equity and mildness, the Russians were the instigators of prosecution and oppression. The Turks carefully avoided pillage and scrupulously paid for everything they used, the Russian ravages resembled those of a flight

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of locusts. This was the description of the cold and cautious language of diplomacy. This was in 1848. But the despatch went on to say, that last year, just as the provinces were recovering the devastation of their former visit, the Russian forces once more crossed the Pruth. They then professed to pay for what they consumed; but how? by forcing on the people notes which they had extorted from their impoverished exchequer, under the pretence of reimbursing themselves the expense of their former occupation. Could there be a doubt that when an English or a Turkish army entered these provinces to drive out the Russians, they would be hailed by the Christian population as their deliverers from the tyranny of their Christian oppressor, and after this was he to be told that they were to permit Russia to seize on Constantinople for the sake of the Christian population of the East? He (Mr. Butt) had ventured to take part in this debate only that he might add his individual voice to the expression of what he believed to be the universal feeling of the people of the United Kingdom. If Ministers were now prepared unreservedly and energetically to defend the liberties of the world against the aggression by which they were threatened, they would receive from that people a cordial and an almost unanimous support. But let him add, if they proved themselves unworthy of that people—if they paltered with the crisis—if they had any secret reserve in their support of that Turkish independence which was the only barrier against Russian domination, but to which, at all events, the honour and faith of England were now irretrievably committed—if their military armaments were but a parade to introduce the conditions of a dishonourable peace—then, when the prophecy of Napoleon was realised, and in the cycle of events a northern incursion had, a second time, trampled down the nations of Europe, history would record their names as those of the men, who, in the crisis of England's destiny, betrayed the interests and greatness of their country, and with them the cause of the freedom and civilisation of the world.

MR. SIDNEY HERBERT: I must say, Sir, that the Government have no cause to complain of the tone the debate has assumed this evening, though, at the same time, it must be confessed that the Government is placed between two fires. We are told by one party in the House that we have arrived tardily at the right place, but



that we took the wrong road to it; we are told by another that we took the right road at first, but that now we have arrived at the wrong place. These two lines of argument have both been maintained with great skill and ingenuity, and therefore if I have anything to complain of them it is this—that though hon. Gentlemen criticised the conduct of the Government from either point of view, I will not say unfairly, but at any rate severely, they are yet unanimous in declining to test the opinion of the House as to the prudence and wisdom of the course which Government has thought fit to pursue, and they to criticise. The noble Lord the Member for Colchester (Lord J. Manners) tells us, that it is all but the unanimous opinion of this House and the country that these negotiations have been signally mismanaged. Well, if the noble Lord thinks that to be the universal opinion of the House, why does he not ask them to express it? We are placed, as I have previously said, between two fires, yet, in spite of these different attacks from two hostile camps, we cannot get any means of ascertaining what the House really thinks of our policy. Perhaps the tactics of hon. Gentlemen opposite with regard to the Government are the tactics which some have attributed to Russia with regard to Turkey. It was said that the last thing which Russia sought or expected was the overthrow of Turkey by Russian arms, but that her wish was to weaken Turkey and degrade her with a view to her own destruction. Perhaps their wish is not at once to destroy us, but to weaken before they overturn, and so, ultimately, to achieve our overthrow and the spread of their more orthodox faith at the same time. As it is no doubt the wish of the House to finish this debate to-night, I will at once promise to make scarcely any reference to the blue books, and I certainly will not read a single passage from them; but I must say the selections made by hon. Members, so far, have been considerably more remarkable for their ingenuity than for their fairness. I do not think it necessary myself to trouble you with extracts; and I do not believe it possible but that any man coming with the mind of a special pleader to the perusal of such a mass of papers as these must be able to make a charge against the Government of having omitted this or forgotten that, or neglected the other which they should have foreseen and provided for. The hon. Member for Aylesbury (Mr. Layard), not content with a good deal of

criticism of isolated portions of the negotiations, complained of the translation of the papers, and said that *beau rôle* was translated an "important part," which he thought an unsatisfactory translation. The hon. Member also, in reading that despatch, read it as if it referred to the present question, the invasion of the Principalities; the fact being that it referred to the previous transaction, which had been concluded. It referred to the efforts made by Lord Stratford to set at rest the differences in respect to the Holy Places, which previous dispute he did succeed in reconciling, thereby bringing into close connection Turkey and France, who, up to that time, had been the parties to the dispute. On that success which Lord Stratford achieved on that occasion we were afterwards able to form our alliance with France, which has been the key-stone of our whole policy ever since. Up to the period when Lord Stratford went to Constantinople we had kept entirely out of those negotiations of which the hon. Member for West Surrey (Mr. Drummond) has spoken; for we, as a Protestant nation, had nothing to do with a quarrel which originated in the ignorance and fanaticism of two different sets of monks at Jerusalem. I think the French nation committed a great diplomatic error in ever entering into that discussion originally, but it showed great dignity in abandoning it, and, by an alliance with England, enabling Turkey to resist the usurpation which arose out of it on the part of Russia.

But it is objected that all the existing difficulties arose entirely from the neglect of the Government to use vigorous measures last year; and it is almost impossible for me to answer that charge without plagiarising from the argumentative and eloquent speech of the hon. Member for Stroud (Mr. Horsman). In the first place the Government do not shun discussion on these negotiations, or on the details of these negotiations; but hon. Gentlemen opposite must remember that they have facts before them, and that they have the advantage of criticising the past. We had no facts to deal with—we could only speculate as to the future. However, I give you all that advantage, and I say that, looking at the whole results of our policy, I am not afraid to pit them against the possible results of any course which you may suggest or recommend. Of course, it is easy for any Gentleman to say, "If you had done anything else, other events would have followed;" and

no doubt it is a very philosophical observation that different causes would have produced different results; but it is idle to deal with questions in that debating-club kind of way. We have to deal with facts. Let us compare, therefore, the results of the line of policy which we adopted with that which you say we should have adopted. You say, if we had acted with vigour when the Principalities were first invaded we should have had peace. But what were the circumstances of this country at that time? We have now a magnificent fleet in the Black Sea. Had we a magnificent fleet in the Black Sea then? We have now a numerical superiority over the fleet of Russia; then we were numerically inferior. We had not got at that time a second fleet to send to the Baltic, where Russia has, I believe, twenty-eight sail of the line; that second fleet we have ready now. Turkey, also, has made good use of the interval, the necessity of which, seen by Her Majesty's Government at home, was seen also by Lord Stratford on the spot. Lord Stratford's advice was identical with ours as to the Porte's not treating the invasion of the Principalities as a *casus belli*. He saw the danger of involving Turkey in a contest for which she had made no preparation while the army of Russia was formidable, in numbers at least. And what is the loss that Turkey has suffered by the delay? What is the state of things at the present moment? Has she not organised, drilled, and brought into the field a considerable army, and are not her alliances in Europe considerably more favourable than they were then? How stand her relations with Austria and Prussia? The House should recollect for how many years Russia had been acting in close connection with Prussia, and allied to her by ties of blood; and the relation between Russia and Austria was that of a benefactor and a grateful friend. It required time to effect an alteration of such intimate relations between countries. But since that time the manly language and patriotic expressions of the Prussian people had shown that she knew how to estimate the proper position in which she should stand in Europe, while Austria now held a very different tone towards Russia, evidently showing that she now took a different view of her own interests from what she did a year ago.

When you consider the great changes that have been thus effected, I think no one of common fairness, who even now at the case with an impartial eye,

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can hesitate in admitting that the Government, placed in circumstances of great difficulty, had taken a wise and a just course—a course at once the most prudent for the purpose of avoiding war, and the most prudent for the purpose of maintaining it, if ultimately it became indispensably necessary.

I own I am not one of those who are inclined to ask the House of Commons to support the Government on the ground that we are entering on a slight and paltry struggle, to which one can see an easy and immediate termination. When I hear it stated that Russia is a country which you may leave to her own plans, secure that she is not formidable because no nation of slaves ever was formidable, I reply that is a delusion, and a delusion which the history of every great conquest in the world tends to discredit. It is disproved by the Russian campaign in Italy, and also by her advance into the heart of Europe during the last war; and to say that she could not make great conquests is to forget the history of Europe during the last century. It is most impolitic, for the mere purpose of depreciating the prowess of Russia, to underrate her capabilities of aggression, and to deny her such aggressive reputation, as her campaigns in 1773 and 1804, as far as Austria and Prussia were concerned, and her conquests in respect of the Turkish provinces in former years, justify her in claiming. Then, again, you say that Russia is not powerful, because she is a nation of slaves. Now, recollect what is the power of Russia. The Russian peasantry are a primitive people; and among all primitive nations the feeling of nationality is strong. In Russia, consequently, it is strong, and the form it takes there is lust of territory. It may be said that the population is, part of it, semi-barbarous; but then it must be remembered that it has at its head a Government possessed of, and using, all the appliances and modes of modern civilisation. And here there is a marked difference between the circumstances of the two countries—Turkey being a country of which the Government is Asiatic, while the people are European; Russia being a country where the people are Asiatic, whilst the Government is European. In the one case, the intelligence and power of mind below are subject to that which, after all, is brutal and ferocious; in the other, the inferior element of force is subject to the directing influence of mind above. Russia is thus a most

powerful country; and in considering its strength we must not omit to take into the account the personal character of the Emperor. Now, I feel as strongly as any man can what have been the misdeeds of Russia during these transactions; but because we are going to engage in a struggle with this nation, that is no reason why we should either undervalue or underrate the ability of her Emperor; and there can be no doubt that his personal character, the masculine energy with which he sets in motion, and the iron hand with which he controls, all the operations of that country, greatly deserve calculation. Recollect, he has not only nationality, but he has also religion to appeal to. I say, therefore, that you must not underrate him, and that you must not undervalue Russia; but if you are going to engage in a mortal struggle, you must make your preparations in proportion to your estimation of your antagonist.

Now a great deal has been said, and much has been made, of the progress and civilisation of Turkey, and it is very true that that country has made great progress during the last few years; but yet I cannot in any way agree with the theory that a country like Turkey, under the influence of Mahomedanism, can, under any circumstances, advance in civilisation and improvement in the same ratio as a country under the influence of Christianity; and it ought to be understood, in reference to this branch of the question, that we are not inclined to be embarked in this war, so much for the purpose of defending Turkey as of opposing Russia. It is a fatal thing in a question like this to intermix the slightest particle of pretence with the real motives which are actuating us; and to lead away the people of England, as some portions of the press in many instances have done, to think that we were influenced in favour of the Turks, and their cruelties and barbarism, instead of being urged on against Russia to resist her aggression; and I protest against it being said that we are not induced to take the part which we do in this matter for the purpose of keeping up the balance of the Powers of Europe and resisting the encroachment of Russia, but out of a romantic feeling and sympathy for Turkey and her institutions. I have previously said that I consider it a fallacy to suppose that, because Russia is what is called a nation of slaves, that, therefore, she is a weak nation; but there is another fallacy, also, still more incorrect, and that

is, to say that a nation of free men, ourselves, cannot unite for war, or combine for national purposes, and that cannot make any sacrifices for national advantages when such advantages are secured by a necessary war. The hon. Member for the West Riding (Mr. Cobden) says, "You have not shown that England has any interests in this quarrel." In the first place I say, wherever there is a European interest there is an English interest; and next, if there be a country which, above all other countries, has an interest in maintaining the security of nations, it must be that which, like England, is engaged in commerce all over the world. If this be the question for Europe generally, surely England has most concern in it. But Austria is most exposed to immediate peril and danger, and she has, what I trust she will exercise, the greatest power of stopping and punishing Russian aggression at its onset. I have mentioned the fallacy that nations of slaves cannot conquer, as is commonly received here. The converse is as commonly received in St. Petersburg. They think that a nation of freemen cannot wage war. They think that our faces prevent combination; and they think we are too much absorbed in commerce to tend to any great national object. The hon. Member for the West Riding made a speech of great ability in a debate last year, which speech has had, I believe, a most mischievous effect on foreign politics in Europe, because foreign nations, are unacquainted with the shades of English politics, cannot but think as the hon. Member speaks the opinion of the mass of the people of England. ["no!"] I do not say that it does; but it is not unnatural that foreigners, who hear the hon. Member only as having been a eloquent and successful advocate of a social question, which was settled by other means, should have thought that, whenever other question he took up, he would be equally the mouthpiece of public opinion. Now I believe that speech of the hon. Member was read at the time at St. Petersburg with unbounded admiration, and it gave encouragement to Russian policy, and assurance that the English people would refuse their support to the English Government.

I think, however, that we are shocked at any rate now that there is no truth in the Russian proposition, that a nation of freemen cannot be roused into going un-terminally into war. I do not think

in any part of this country you can find the slightest backwardness to strain every nerve for the cause we have in view. The people of England love peace; to them peace is an object on account of their interest and likewise on account of their religion. I believe if we had pursued what has been called a more vigorous course last summer—I believe if we had plunged the country into war, we should have justly been called to account for having precipitated a calamity which might have been averted—at any rate for not having exhausted every means which could be thought of to ward off from the civilised world a calamity so great. But now I believe the people of England are satisfied that the Government have done their utmost to preserve peace, and to uphold the dignity and honour of this country. And I see in every part of England the effects of that belief—that the people are not disposed to oppose the Government, but to support them. We were told some time ago that we could not trust Ireland, and yet when our regiments are ordered abroad, in no part of the United Kingdom is there greater eagerness to join them than in Ireland. We were told by persons affecting a spurious sort of patriotism—by persons who affected to be rebels, or who at least used strong language in that part of the Kingdom—that “England’s danger would be Ireland’s opportunity.” Well, England’s danger has come, and Ireland’s opportunity has also come, and Ireland, with national and characteristic feelings and true patriotism, is using that opportunity to show how heartwhole is her loyalty to the Queen and her allegiance to the State. Sir, in the difficult circumstances in which the Government are placed, it is a matter of consolation to them to see such a spirit animating the people. I trust that that spirit will be worthily seconded by those to whom the duty is intrusted of seeing that their efforts are best directed, and that they themselves are placed in a position to give every efficiency to their loyalty and their patriotism; and I trust it may be said—of course I cannot speculate upon time or date—but it is my firmest belief that, as we have been compelled to draw the sword in defence of justice, of public order, and of public law—when that sword shall be sheathed it shall be sheathed with honour.

MR. DISRAELI: Sir, I have always thought that one of the causes of the prolongation of the last great European war was the ignorance of the people of this

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country as to the origin and object of that struggle. Even to this moment they are matters of controversy. Whether the French Republic, for example, was an aggressive Power, or whether, on the contrary, if it had been left alone, it would not have proved a Power essentially pacific:—whether the ambition of the first Emperor was an insatiable ambition, or whether, on the contrary, at a particular period of his life a conservative policy was not a necessity of his career; why we went to war; whether it was to put the Bourbons on the throne of France, or to reduce the limits of France, or to establish a constitutional Government in France, are still subjects of controversy, though forty years have passed, in the pages of our most eminent writers and our most popular historians. Now, Sir, I have always felt that if ever this country were embarked again in a war, which might become one of magnitude, if I were in a position which might in any way allow me to induce the people of this country to understand the cause and the object of the struggle in which they were about to engage, I certainly would make the attempt. I have ever thought that every nation, this nation particularly, would be much more prepared and much more willing to make the exertion and to endure the burdens which a state of warfare must induce and occasion, if they really knew why they were going to war, and for what they were going to war, than if they were hurried into a contest by inflammatory appeals to their passions, and carried away by an excitement which at the first moment may be convenient to a Minister, but which in a short time is followed by the inevitable reaction of ignorance, perhaps of ignorance and disaster combined.

Five and twenty years ago there was also war between the two Powers which have now mutually declared war—Russia and Turkey. Then the two great western Powers, so often referred to of late, interfered; but they took part on the side of Russia, and not of Turkey. By their union with Russia there was enacted a slaughter of Sinope on a scale compared with which the late event, so much deplored may be looked upon almost as a miniature performance. The present perplexed and the recent prostrate condition of Turkey are entirely ascribable to the events of that war, in which France and England were united against the Porte. Now I believe that at that time there was not a Member of this House who really had a



clear idea why we went to war on that occasion, and what was the object which we intended to accomplish when we levelled a blow at the power of Turkey, which is indirectly the cause of the perils, and the perplexing circumstances which we are now called upon to consider. Well, Sir, this is an additional reason why it should be the first duty of Parliament and of the people clearly to comprehend the cause and object of the impending war. Now, Sir, for my part I cannot understand how I am to obtain that knowledge but by studying these State papers, which Her Majesty has been graciously pleased to lay upon our table, and which, in language which a few years ago was not Parliamentary, are now called "blue books." I know no other source from which I can obtain any knowledge as to the cause of the war; and I know not any means by which I can clearly arrive at the object of a war unless I first ascertain what is its cause. I, therefore, Sir, have listened with some dismay to the observations of those hon. Gentlemen who have preceded me in the debate, who have more than once informed us that we have no business to consider the past—that we are merely to consider the actual position of the Government of the country—and that we are not to inquire by what means we have arrived at our present position. I cannot draw any coarse line of demarcation with respect to these transactions between the events that have recently occurred, and the events that are occurring at this moment. I deny that you can distinguish at this moment the past from the future in those events. What is occurring at this moment is occasioned by the words written in these very despatches lying on our table. The policy there developed is preparing that future which you say is alone to absorb our attention, and is occasioning those very events which, even at this instant, may be giving a new colour to the future, which you say is alone to be the object of our study. I therefore protest against the doctrine of the First Lord of the Admiralty that we are to support the Government or to censure the Government, and that there is no middle course for the House of Commons to follow when Her Majesty has announced from the Throne that in a moment of danger she appeals with confidence to our loyalty for her support. When we are on the eve of a war, are we to be told that the House of Commons, with all the responsibility which devolves upon it at such a crisis, is to express

no opinion on the past, but that we must either become the servile adherents of the Government, or be exposed to the imputation of embarrassing a Ministry. I therefore feel it my duty to attempt to ascertain the cause and the object of the war before us. I don't think that this is a mere critical pursuit. I don't think that that is a task which merely consists of making observations upon the papers on the table. The right hon. Gentleman who last addressed the House protested against the reading of isolated passages from these despatches. He says that it is unfair, and that it is a manoeuvre no Minister can protect himself against. Well, Sir, I cannot promise the House that I will read to them the "blue books" entire; yet, if we admit the validity of the right hon. Gentleman's objection, this would seem to be the only course open to me. But I will promise the House that I will read very few extracts from these despatches, and, far from taking isolated extracts, I will read these only with one object, namely, to maintain a position which I wish to establish to the House, and which I am sure cannot be established by any manoeuvres in debate, or by having recourse to garbled extracts, or to isolated passages accommodated to the occasion.

Sir, the relations between Russia and Turkey have become of late years so familiar to hon. Gentlemen, that our duties in debate are much facilitated by the previous knowledge which exists. When I first entered Parliament some sixteen or seventeen years ago, when the relations between Russia and Turkey were brought forward, they were considered a theme for ingenious and eccentric minds. The designs of Russia were the occasional topic of a very small minority in this House. At that time the predominant opinion of the House of Commons and the country was, that there was no subject on which there was so much exaggeration as the territorial aggression of Russia. Afterwards, as the subject advanced, and by the progressive result of frequent discussions, but discussions always at long intervals and in thin Houses, there grew up certainly an opinion adopted by a respectable minority in the House, that there was a systematic design on the part of Russia, not only of possessing India, not only of attaining other great objects, but of conquering and permanently possessing Constantinople; and so far as what was then called the Eastern question—it took the form of a controversy between those who

believed that Russia had no political designs, and those who were fully convinced she had a direct and immediate purpose to conquer the Ottoman empire. Well, Sir, this question has gradually attracted the attention of the country—circumstances have developed in Turkey—information has been obtained, and that which I believe is the truth has been adopted by many who are entitled to the character and reputation of statesmen, namely, that Russia has no intention of forcibly conquering the Ottoman empire, but that by an adroit policy and by indirect means she purposes to obtain an influence over the Christian population of the Turkish empire, and thus exercising an authority which would have been the result of her possessing the seat of the Sultan. That, I believe, has been for some years the received tenet of those who are capable of forming a correct and moderate opinion upon this important subject. Sir, I apprehend that has been the opinion which has been adopted by those who have held responsible positions in this country of late years. I apprehend that that is the meaning which we must ascribe to the frequent expressions of the Secretary of State for Foreign Affairs in the papers on the table, which refer to the declarations—personal declarations of the Emperor of Russia—and which I need not remind the House, never appear in the printed documents which are in our hands. I apprehend we have received from Her Majesty's Ambassadors, or from other sources, such distinct declarations on the part of the Emperor of Russia on this subject, namely, that he did not contemplate, under any circumstances, an invasion of the territorial integrity of Turkey, that Her Majesty's Government—the present Government like preceding Governments—have rested with confidence upon those declarations. Sir, I don't know that the policy of Russia is expressed in more accurate language than in a despatch of Count Nesselrode's at the beginning of January, 1853. On the 14th of January, 1853, he says, speaking of his Court:—

"We have always desired the maintenance of the Ottoman empire, as being, take it all in all, the least mischievous arrangement for all European interests, which would not fail to come into collision in the East if the gap existed."

He proceeds to say:—

"We will accordingly use our utmost efforts to avoid to the last, so far as depends upon us, without prejudice to our honour, whatever may be

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calculated still further to shake this body, at once so feeble and so tottering, at the risk of causing it to fall into powder."

He says, in another despatch:—

"There exists a community of interest between 50,000,000 of the Russian population and 12,000,000 of the orthodox which constitute the majority of the Sultan's subjects."

And he tells you afterwards, in another despatch, so late as June, 1853, no less plainly, that this claim of patronage over these 12,000,000 subjects of this foreign Power the Emperor will defend to the last extremity as an assertion of his inheritance. Thus, Sir, at the outset of these negotiations the policy of Russia is distinctly and explicitly expressed. Ascendancy is to be obtained over the Turkish empire, and to be obtained, not by territorial conquest, but by exercising a peculiar influence over 12,000,000, who compose the large majority of the Sultan's subjects in Europe. There is a purpose distinctly expressed and a policy clearly defined in the despatches which are addressed to Her Majesty's Government. Now it is not merely that the object is defined, but we are no less caudally informed of the mode by which it is to be attained. This influence is to be exercised over 12,000,000 of the Sultan's subjects, not by conquest, which Russia disclaims and always disclaimed, but by the stipulations of treaties, by maintaining the treaties that exist, and by extending the spirit of those treaties. All this you see from the very beginning of this important controversy. What I may call the basis of the diplomatic campaign was a treaty, and that was the treaty which has been quoted half a dozen times in this discussion—namely, the treaty of Kainardji. Now, I will not presume to read the treaty of Kainardji to the House, but I think the House will agree that it is very expedient, when a particular treaty is the foundation of transactions of this vast importance, that we should have a clear idea of that treaty. We have had many references made to the treaty of Kainardji, and I think I can, without much troubling the House, place before it the essence and the peculiar character of that treaty. In article 7 of the treaty of Kainardji there is this clause:—

"The Sublime Porte promises to protect constantly the Christian religion and its churches; and also it allows the Ministers of the Imperial Court of Russia to make, on all occasions, representations—"

Now, mark for what—

“as well in favour of the new church at Constantinople, of which mention will be made in the 14th article, as in favour of those who officiate therein.”

Then, article 14 of the treaty of Kainardji, which is the only other article to which I need refer, is this :—

“It is permitted to the High Court of Russia, in addition to the chapel built in the house of the Minister, to construct in the Galata quarter, in the street called Bey Oglu, a public church of the Greek rite, which shall be always under the protection of the Ministers of that empire, and shielded from all obstruction and all damage.”

Now, observe, the Christian subjects of the Porte are, by this treaty of Kainardji, placed under the special protection of the Sultan; and Russia, interpreting that treaty, states that the Christian subjects of the Sultan are placed specially under the protection of Russia. Under the treaty of Kainardji representations may be made in favour of their new church; but so cautious is the Porte, that the very street in which the new church is building is mentioned; it is the church in the street of Bey Oglu; and the Russian interpretation of that article of the treaty is, that because the Porte consents that the Minister of Russia shall interfere in favour of a particular new church building in a particular street, she has the power of interfering in favour of every church of that denomination in the Sultan's dominions, and of course in favour of all communities of that faith in the Sultan's dominions, who happen to be the large majority of his subjects. Now, that is the treaty of Kainardji, and these are the claims which are made upon that treaty.

A despatch of Sir H. Seymour, dated January 8, 1853, explains the system on which Russia proceeds. Count Nesselrode, he says, treated as

“Exaggerated the apprehensions which he expressed as likely to arise in Turkey and elsewhere from the appearance of a Russian army on the frontiers of the Sultan's dominions.

“As regards the present crisis, his Excellency expressed the hope and the belief that it would be brought to a conclusion by negotiation, but observed that it was necessary that the diplomacy of Russia should be supported (*appuyé*) by a demonstration of force. It would be required that the Porte should strictly fulfil its engagements towards the Greek Church and the Emperor; it would further be exacted that a corresponding compensation should be made to the Greek Church for any new concession made (I believe his Excellency said at the expense of the Emperor's co-religionists) to the Latin Church.”

And when Count Nesselrode expressed his belief that this question would be brought to a satisfactory conclusion, upon what did he rest his belief? I beg the House to mark this—upon the

“Exertions which were to be made by Her Majesty's Government at Paris and at Constantinople to advocate the rights which the Russian Government are entitled to claim, and to discountenance the pretensions of the French Cabinet.”

Now I beg the House to observe how clear and transparent is the policy of Russia. Here is a great demonstration of force; but what is it to do? It is to support a diplomatic movement to increase the influence of Russia over the population of Turkey who profess the Greek religion. And how is it to be effected? how is it to “be peaceably” effected? that is the point. Not by force, but by the friendly exertions of Her Majesty's Ministers at Paris and at Constantinople. We have at once a distinct declaration by Russia of her policy. We have a distinct declaration that her demonstration of force is only a demonstration, but that her object is to be attained—peaceably attained—by the exertions of the English Ministers at Paris and at Constantinople. You know the Power with whom you have to deal. You have the policy of that Power clearly and perfectly defined. You have the object avowed, ascendancy over Turkey. You have the methods described, which are her influence over the Greek Christian population, and that is to be effected by Russian diplomacy—a diplomacy, of which I think I may say, without using the epithets which the noble Lord the Member for the City of London (Lord J. Russell) uses with regard to foreign Ministers—a diplomacy which while I will not call it fraudulent, is still a diplomacy with regard to which a man, if placed in contact with it, would certainly, if he were a prudent man, be upon his guard. Now, Sir, I want to know, with this object expressed, with these means detailed, and with this diplomacy to deal with, I want to know how Her Majesty's Ministers encountered such a combination. I think I shall be able to show the House that it is impossible for us to obtain that which is at this moment the most valuable and desired information for the House of Commons and the people of England—namely, the object of the present war—unless we preliminarily ascertain what has been the cause of it. It is, therefore, not to criticise the past—or what is erroneously called the past—it is not to cavil

with expressions, it is not to garble despatches, it is not by quotations here and misquotations there to make a colourable case of mismanagement against the Ministry, at a moment of national exigency like the present, that I am led to quotation, but because I want the House clearly to understand how we have been brought into this position, why we are at war, or at all events in danger of being immediately at war, because that is the only mode by which this House and the country can ascertain what is the object of this actual or of this certainly menaced state of warfare.

It is unnecessary for me to touch upon the question, now exhausted in debate respecting the Holy Places. It was, in fact, virtually soon settled at Constantinople. Even Count Nesselrode, at a very early period in these despatches, expresses not only his surprise, but his satisfactory acknowledgment of the conciliatory spirit of France. Nor would I dwell upon this for a moment, had not the noble Lord (Lord J. Russell) reminded me that I once was a Minister of State, for he said it was the Government of Lord Derby that was really responsible for this question. Now, Sir, whatever may have been the faults of the Government of Lord Derby, they need not look back with any regret or remorse to their relations with the Eastern question. The question of the Holy Places was not indeed formally settled when we left office, but certainly it was the strenuous and confidential exertions of Lord Malmesbury that brought the French Government to the right tone of viewing the conduct of M. Lavalette; and I believe that had it not been for the preliminary steps which that noble Lord took, the withdrawal by France of that envoy from Constantinople—I think under the circumstances a wise and magnanimous act—would never have taken place. But on the question of the Holy Places, Count Nesselrode tells you at an early period that he views with satisfaction, and even with surprise, the conciliatory character of the conduct of France. Colonel Rose tells you at an early date, in despatches familiar to every Gentleman, that he had conversed with the French Ambassador at Constantinople, and so far as France is concerned there never would be any further discussion or difficulty on the subject. But all this time the forces of Russia are accumulating on the frontier. All this time Count Nesselrode is telling

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you that his Government will ask an equivalent for the privileges which the Greek Church has lost at Jerusalem, but the settlement of which his Government has resolved not to disturb. Even the mission of Prince Menchikoff is at this time mentioned. What does Sir Hamilton Seymour say?—

“Count Nesselrode observed that there was necessarily some vagueness in Prince Menchikoff's orders, as it was hardly ascertained to what extent the rights secured last year to the Greeks had been infringed; that as it is not meant to regain from the Latins the privileges they have subsequently acquired, the object to be sought was an equivalent to the Greeks.”

Observe this language. After this it appears that the Emperor will insist on the promise made to him in favour of the Greek Church being fulfilled. On a subsequent occasion, in an important despatch from Count Nesselrode to Baron Brunnow, we hear that this was to—

“obtain for the Greeks some recompense for the wrong which has been done them, and, above all, to secure them from further injury.”

Now, Sir, I was very much surprised by the observation made by the noble Lord (Lord J. Russell) on this subject the other night. The noble Lord feels very deeply the conduct of Russia. It is not merely that he is overcome by the responsibility, and it is an awful responsibility, of a Minister who has advised his Sovereign to go to war; but the noble Lord feels so acutely the conduct of Russia, that on more than one occasion in these discussions, he has indulged in the language of invective, both towards the Russian Minister and towards his master. We were told the other night that the conduct of Count Nesselrode was fraudulent. That is a very strong expression. [*Cheers.*] It is easy to cheer, but Count Nesselrode has for nearly fifty years sustained a high position, and is supposed to be one who has administered affairs with moderation, with wisdom, and under circumstances of difficulty, no doubt, with success. His conduct is described as fraudulent. The conduct of the Emperor, we were also told the other night, was the conduct of a butcher—he had given orders for a work of butchery. Now, mark this—I do not mention it without an object. At present we have to deal with Count Nesselrode. His conduct, the noble Lord told us the other night, is fraudulent.

“Nothing could be more unsatisfactory than the conduct of Count Nesselrode. He kept saying that his Imperial master would seek an equi-



repeating that his Imperial master was determined to have some equivalent, or that some arrangement should be made compensatory to the Greek Church for the privileges which it had relinquished. But Count Nesselrode never told us what he wanted."

Wicked Count Nesselrode! Infinite duplicity of Russian statesmen! But does not it occur to the House, though it might not have occurred to the noble Lord, that if he wanted to know exactly and precisely what Count Nesselrode meant, that he should not have waited for Count Nesselrode to tell him, but that he should have asked the question of Count Nesselrode? The first great complaint made by the noble Lord of the conduct of Count Nesselrode, which in the end he denounced as fraudulent, is, that he was perpetually harping on the determination of the Emperor of Russia to obtain some compensation for the Greek Church for the privileges it had lost; but he never told Her Majesty's Government what he meant by what he said. But why is Sir Hamilton Seymour at St. Petersburg, if he is not to ask for that information? Why are there envoys at the capital of Russia?—why are there Secretaries of State?—why are there protracted and distracted Councils in Downing Street—if the upshot of all these individuals, all these ambassadors, all these ministers, all these deliberations, is, that the noble Lord is to come down to the House with the country in a state of war, that war having been occasioned apparently by the intentions of the Emperor of Russia, and the great complaint of the noble Lord being that the Emperor of Russia never told them what he wanted, the noble Lord confessing, by that very observation, that he never asked the Emperor of Russia the question? I say, that at this stage of the proceedings here is the gist of the matter. We ought to have said to Russia, "The affair of the rival Churches is settled, an affair in which we never interfered—why is there still this demonstration of force on the frontier? You say you want an equivalent for the Greek Church for the privilege it has lost. Define what you want precisely and explicitly. If you continue to make demonstrations when the object for which they were originally made has already been settled; if you go on announcing that you require equivalents and compensations, and do not define what you deem an equivalent, or what you mean by a compensation, then we tell you that you cannot count on that which you have de-

the peaceable conclusion and attainment of your object, namely, the friendly offices of Her Majesty's Government at Paris and at Constantinople." Now, I ask the House, was that ever said? I can only say it does not appear upon the papers which are upon the table. It never appears from those papers that any formal or precise demand was made upon the Russian Government of what they meant by equivalents and compensations. Those who speak after me will have an easy opportunity of confuting what I say, if they can refer to the documents and find what unfortunately I am not able to do. But I do not wish to press the noble Lord (Lord J. Russell) unfairly upon this point. I admit that the noble Lord individually is very free from objection on this point, because the noble Lord in the brief time during which he occupied the Foreign Office made, I think, such inquiry as he well could as to the assembling of troops upon the frontiers, and other subjects of great importance. But at the time when the subject ought to have been pressed to the inquiry to which I refer, the noble Lord relinquished the seals of office, and another personage became Secretary of State, and I am bound to say—and I shall say nothing which I shall not at least attempt to prove—I am bound to say that from that moment there is a different character in the diplomatic proceedings. It seems acknowledged even by Sir Hamilton Seymour, in one of his despatches, that he is surprised at the change in the tone of Count Nesselrode—and I should say that it is evident that that new character may be described, and fairly described as a bias in favour of Russia. I of course refer to the accession of Lord Clarendon to office.

Lord Clarendon is appointed Secretary of State, mind you, and the moment he is made Secretary of State, by a curious coincidence he is called upon to perform the most important act that a Secretary of State under the circumstances could fulfil. For Her Majesty's Ambassador was about to repair to the very scene of these important transactions, and Lord Clarendon had to draw up the instructions for Lord Stratford de Redcliffe. Sir, I have been rather surprised that in the course of these discussions a more minute reference has not been made to that which really is the most important State paper on the table. The only person who has made use of it is the hon. Member for the

West Riding (Mr. Cobden), who has, to-night, quoted a passage from this despatch, and for what purpose? To show that Lord Clarendon at that moment, as proved by his instructions to Lord Stratford, was totally ignorant of the resources of the Turkish empire and of the Turkish people. That was the argument of the hon. Member for the West Riding. It suited the conclusion that he was endeavouring to impress upon the House. That conclusion is, that the Turks are exhausted, that they are incapable of any effort—that we are interfering for a miserable minority of a people—that they are a race who can achieve nothing; and he says, “I will prove my case by the best evidence, and it is that of the Secretary of State.” I shall quote the language of the Secretary of State for a very opposite purpose to that which the hon. Member for the West Riding had in view. My answer to the hon. Member for the West Riding—so far as the authority of Lord Clarendon for his conclusion goes—is the passage of the Danube by Omar Pasha, and the battle of Oltenitz. But let that pass. I am to examine the conduct of a Ministry whose policy is to support the independence and the integrity of the Porte—who for this great object have not hesitated to involve this country in war, and who are not justified in their course unless they have confidence in the resources of the country and in the character of the people; and unless they believed that the integrity and independence of Turkey were not mere phrases, but palpable and real facts. Remember that you have the armies of Russia collecting on the frontier of Turkey—you have had warnings of these warlike preparations from the Russian Minister himself. You have had the avowal from this double-dealing Count Nesselrode, stating that the object of the mission of Prince Menchikoff was a vague mission, but that, however vague might be his instructions, there was one result that he was to secure, namely, a great concession to the Greek Church—an equivalent, a compensation. You knew all this—you knew that the integrity and independence of the Porte were at stake—the Secretary of State was called upon to fulfil the most important function of a Minister under such circumstances, namely, to draw up instructions for the Queen’s Ambassador, who was repairing to the seat of action. What are these instructions? What are these instructions of the Secretary of State of a Ministry who uphold

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the integrity and the independence of the Porte, and who, to maintain that independence and that integrity, are going to war?—Lord Stratford de Redcliffe is instructed to tell the Porte, “with all frankness and without reserve,” that “it is now in a position of peculiar danger.” He is to insist upon “the accumulated grievances of foreign nations, which the Porte is unable or unwilling to redress,” and “upon the increasing weakness of its executive power.” The Government whose independence we profess to defend is to receive our dictation as to reforms and improvements, and as to the development of its commercial resources. It is told:—

“Its perseverance in its present course must end in alienating the sympathies of the British nation, and in making it impossible for Her Majesty’s Government to shelter it from the impending danger to which the Sultan and his Ministers have exposed it.”

The “exigencies of Christendom” are then ascribed to—what? To the ambition of Russia. Was that the cause of the exigencies of Christendom and of the perilous position of Turkey which are pointed out in the instructions of the Secretary of State? No; the cause which Lord Clarendon assigns is, not the ambition of Russia, but “the unwise policy and reckless mal-administration of the Sultan himself.” Now, I ask the House, is this the way to maintain the independence of a Power menaced by the warlike legions of Russia? Was it at this moment of its utmost need—was this the moment to lecture Turkey about internal reforms and commercial policy? And when these admonitions are coupled with a significant intimation that at this moment the conduct of the Porte must be distinguished by the utmost moderation and prudence—what is that but to say—what is that but to hint, that the Porte should comply with the demands of Russia?—demands, of course (I will make this concession to the Ministry)—demands of course consistent with the independence of the Porte; but how the word independence is to be interpreted is obvious from the insolent character of our friendly dictation. Now, Sir, here we are. We have come to this point. Weeks, even months, are passing. You may examine a blue book [*an allusion to a Member on the Ministerial bench so engaged*], but you will not change the facts. Weeks and months are passing—still the armies of Russia are collected on the frontier—still the Minister of Russia tells you

never change about, and that is, in his determination to have an equivalent—a compensation—to the Greek Church for the privileges of which it has been deprived, and means by which a security for these new rights shall be obtained. Still you have that important mission announced, and still we have not the slightest tittle of evidence that Her Majesty's Government ever demanded from Russia an explicit declaration of what she meant.

Well, Sir, Prince Menchikoff arrived at Constantinople—I hurry over, or will but very slightly glance at circumstances which are so familiar to every Gentleman in this House, and I only touch upon these circumstances at all that my statement may be complete. Prince Menchikoff arrives at Constantinople. I need say nothing about the despatch of Colonel Rose, one of the most able and most ill-used of public men. What does Colonel Rose tell you? He tells you of the arrogant bearing of the Russian Minister—he tells you of the secret threats to the Porte—he tells you that a Turkish Secretary of State has been ignominiously expelled—he tells you that the Prime Minister threatens to resign, and that the Grand Vizier sends for him (Colonel Rose), and informs him that the independence of Turkey is at stake. He himself expresses in his despatch that the circumstances are most exigent, and that unless some step is taken, he can no longer answer for the independence of Turkey or the balance of power. He tells you all this. I hardly stop to criticise these important circumstances; and if I do stop at all, it is only to answer an argument which has been urged in this House, and also in the other House of Parliament, namely, that Colonel Rose, when he demanded that our fleet should be sent to the Dardanelles, was precipitate in making that request, because he afterwards acknowledged that the arrival of the fleet was unnecessary. But it seems to be forgotten that it was notorious not only at Constantinople but at Paris, that Colonel Rose had sent for the fleet; and that an alteration in the tone of the Russian Envoy was occasioned by this announcement. Well, you had these despatches of Colonel Rose and not only these despatches, but you had on the 19th of March (when Colonel Rose was writing) those of Sir Hamilton Seymour—not a man distinguished by his want of confidence in Russia—not a man who would

Nesselrode as fraudulent, telling you that he asked Count Nesselrode—

“What credit was to be attached to the rumours which reached me from so many quarters, as to military preparations in the course of being made?”

Count Nesselrode answers, that he believed he might state that I had not been correctly informed. Sir Hamilton Seymour then inquires:—

“Does your Excellency authorise me to assert that you are not arming, or am I only to report that you believe you are not arming?”

Count Nesselrode replies:—

“I will not assert, but I have reason to believe, that the tendency is rather to slacken than to urge on military preparation.”

Sir Hamilton Seymour then says:—

“I apprehend this relaxation of preparation to allude to the order for the purchase of horses, which has been rescinded.”

Well, after all this—after all the despatches of Colonel Rose—after this despatch from Sir Hamilton Seymour, which I have just read, what is the tone of the new Secretary of State for Foreign Affairs? What is the tone of the statesman who draw up the instructions for Lord Stratford? What effect is produced upon him by all that he read and all that he heard? Why on the 22nd of March he writes to Lord Cowley, “I had yesterday a long interview with Count Walewski upon the events that have recently taken place at Constantinople.” Let the House remember what those events were—a Prime Minister threatening to resign, a Secretary of State ignominiously expelled, and the Grand Vizier announcing that the independence of his country is at stake—secret intimations that treaties would be demanded that would destroy Turkey—the personal declaration of Colonel Rose that even the balance of power was at stake—and the despatch of Sir Hamilton Seymour, showing how unsatisfactory was his communication with Count Nesselrode. Now Lord Clarendon gives this as his private, but calm and dispassionate summary of all that had occurred to Lord Cowley

“When the intelligence from Constantinople was analysed, and divested of the colouring imparted to it by local excitement, there was but one fact to deal with.”

What was that? the armament of Russia? No; that—

“Prince Menchikoff had declined to hold official intercourse with Fuad Effendi, the Turkish Minister for Foreign Affairs.”

Lord Clarendon says, he had informed Count Walewski that Fuad Effendi had resigned—

"but Prince Menchikoff had not required this, and he had declared that no disrespect was intended to the Sultan by the omission of the customary visit to his Minister."

This is the summary of Lord Clarendon of all these events. Lord Clarendon not only denounces, I may say, the order of Colonel Ross for the advance of the British fleet, but absolutely expresses himself glad that Admiral Dundas had not obeyed him, and even regrets the order given to the French Admiral to proceed to the Greek waters, treating France with this sententious dogma, namely, that "a policy of suspicion was neither wise nor safe." Lord Clarendon adds—and it is of great importance to notice it—that—

"Her Majesty's Government were disposed to place reliance on the Emperor of Russia's solemn assurances to uphold the Turkish empire ;"

and that he was—

"bound to believe that the mission of Prince Menchikoff was not of a character menacing to the independence and integrity of Turkey."

Now, I must again remind the House that we have no evidence, so far as I can recollect, in the State papers on the table, of these personal assurances of the Emperor of Russia. I do not say that it may not be most discreet and wise on the part of the Government not to give us the despatches in which these assurances are made, but in the absence of these documents, we are bound to speculate on what may be their possible character and contents; and, judging from the antecedents that we have had, it is quite possible that the Emperor of Russia may have said to Sir Hamilton Seymour—as, I believe, he has said to great personages in this country and in other countries—that nothing would induce him to take any step to destroy the independence and integrity of the Ottoman empire; that he sought no territorial aggrandisement; and that that was a policy which he was perfectly ready to maintain. All this is perfectly consistent with everything which has, up to this period, occurred on the part of Russia, and respecting which our Government asked no explanation. What does Lord Clarendon write to our Ambassador at Constantinople at the same time—

"that our Government feels no alarm at the reports of Colonel Rose—that we feel quite secure that the objects of Prince Menchikoff's mission, whatever they may be,"—

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So that, therefore, at this period, the Ministry had no description by Russia of what those objects were; but yet Lord Clarendon says :—

"The objects of Prince Menchikoff, whatever they may be, do not expose the authority of the Sultan, or the integrity of his dominions; so far from thinking that Turkey has anything to apprehend from Russia."

Well, I am not surprised when I trace the policy of Her Majesty's Government as indicated through all their despatches up to this moment, that Count Nesselrode should have told our Minister at St. Petersburg, that he looked very hopefully to a peaceable solution of this question; and the hon. Gentleman who introduced this discussion in a speech which did not disappoint the expectations of the House—who was quite entitled to introduce the subject, not only from his former connection with the Embassy at Constantinople, but from his general knowledge of the East—the hon. Member for Aylesbury (Mr. Layard) very properly touched upon that extraordinary despatch, which, at this time, came from St. Petersburg, in which we are informed that the Emperor of Russia was grateful for the salutary impulse given to the policy of this country by the accession of Lord Aberdeen and Lord Clarendon to office. The Emperor of Russia was grateful to Lord Aberdeen for that renewed instance of his confidence; and the hon. Gentleman quoted a phrase which amused the House, and which I believe has somewhat diverted the country—namely, the happy irony with which Count Nesselrode complimented Lord Aberdeen on the *beau rôle* which he had played. But I think that quotation, was somewhat short, because, if I remember rightly, the First Minister is complimented, not merely on *beau rôle* he is playing, but that *beau rôle* is defined; and what is that definition?—namely, that he has left France *isolée*.

On the 1st of April, Colonel Rose informs us of the secret convention which Prince Menchikoff demanded from Turkey. Colonel Rose had hitherto not been looked upon as an authority; but there was a timely vindication of the discrimination and sagacity of Colonel Rose, because in ten days afterwards, on the 11th of April, Lord Stratford arrives at Constantinople, and confirms everything that Colonel Rose had reported. One would suppose that Lord Stratford would have opened the eyes of those who talk so much of Russian



duplicity, but who seem to have forgotten that there may be an English quality of an opposite character. Yet after this, after the information from Colonel Rose is confirmed by the highest authority, after Lord Stratford has announced that Russia is trying to obtain a secret convention from Turkey which would destroy its independence, Lord Clarendon writes to Sir Hamilton Seymour, May the 16th :—

"That Her Majesty's Government being compelled either to think that Prince Menchikoff had exceeded his instructions, or to doubt the assurances which they had received, did not entertain the latter alternative."

Introducing this alternative, he says :—

"Her Majesty's Government have felt the advantage of the frank and friendly explanations offered by the Emperor of Russia," [explanations, mark, which have never been seen by the House of Commons] "it had enabled them to disregard, instead of sharing in, the apprehensions which the proceedings of Prince Menchikoff, coupled with the military preparations in the south of Russia, had not unnaturally produced throughout Europe."

Immediately after, Prince Menchikoff leaves Constantinople; and on June the 8th, Count Nesselrode, in a despatch to Baron Brunnow, to be delivered to Lord Clarendon, announced the occupation of the Principalities. That despatch proves—if the view of the Government be right—violence and perfidy. Violence against Turkey, because it announces that, because Turkey has not chosen to yield to its dictation in a course which Turkey believes menaces its independence, Russia had resolved to have recourse to force; and perfidy, because, according to the view of the Government, Count Nesselrode had, up to that moment, been deceiving them. Yet, with regard to the latter point, what does he say in the despatch? He says, that, from the very first, he had communicated to the Government of England his intentions with regard to Turkey. I ought not to have omitted that document, announcing as it does, that the Emperor will occupy the Provinces as a deposit until satisfaction; declaring that, in acting as he has done, he has remained faithful to his declarations to the English Government; that in communicating with the Cabinet of London as to the military preparations coincident with the opening of the negotiations, he did not conceal from it that the time might yet come when he should be obliged to have recourse to them; complimenting the English Government on the friendly intentions it had shown; contrasting its conduct with that of France;

and laying all the blame of Prince Menchikoff's subsequent failure, of all men, on Lord Stratford. We want to have these declarations of the Emperor of Russia; we want more than these declarations of the Emperor of Russia—we want the despatch. We want the evidence of this early declaration from Count Nesselrode to the English Government, of the whole intentions and policy of his country. I say this despatch proves violence and perfidy according to the views of the Government. But if so, why is it that Lord Clarendon after all this—after Colonel Rose's declarations had been confirmed by Lord Stratford—after the occupation of the Principalities—after Count Nesselrode had declared, in his vindication, that from the first the English Government was cognisant of the policy of his country, and of the intentions of the Emperor—why is it that Lord Clarendon writes in a circular that—

"He does justice to the moderation which has heretofore distinguished the Emperor of Russia's policy, and rests the hope of an amicable conclusion on the Emperor's repeated declaration to respect the integrity of the Turkish empire."

Mind, that is the circular of the Secretary of State after the Chancellor of Russia has publicly declared that the English Government were cognisant from the first of the intentions of the Russian Government. After all this, Lord Clarendon writes a despatch on the 4th of July, which, I am bound to say, is a sensible and spirited performance, and in which several pages are expended in proving that he has been taken in. I will not make any comment upon it. I would have quoted several passages in his favour, but the impatience of his Friends opposite will not permit me; and I refer them to his vindication.

I have now gone over the negotiations from January till the end of July. I have reviewed those negotiations until we approach the Vienna note. There is only another important despatch which I am bound to notice. It is a summary of the seven months' negotiations. Lord Clarendon was appealed to by Lord Stratford to take a more decided course, and Lord Stratford said, "that in any case nothing can be worse than a hesitating, uncalculating course." Lord Stratford then tells the English minister "to look an evil in the face, which, if evaded, will return;" and what is the language of Lord Clarendon in the last despatch, which I am going to read? On the 28th of July, he says :—

No doubt that France and England, if they set to work in earnest, may certainly cripple Russia, but Turkey may be wholly and irretrievably ruined, and peaceful negotiation is the only course to pursue.

Why, if that were a good argument then, it is a good argument now. If it were a good argument during the whole course of these negotiations, it is now an argument fatal to the policy of the Ministry who recommend war. If the inevitable consequence of crippling of Russia, be the irretrievable destruction of Turkey, why go to war at all? What, then, becomes of this war for the maintenance of the integrity and independence of Turkey? Well, Sir, Count Walewski proposes that we then go to the Dardanelles, but Lord Clarendon objects; he says it is a hypothetical arrangement, and he reads to Count Walewski his despatch to Lord Stratford, in which he states that—

"in case of further aggression or undue delay on the part of Russia, the Government will be prepared, in conjunction with France, to take more active measures against a Power of whose hostile designs there could be no reasonable doubt."

While he objects to hypothetical arrangements he advocates a hypothetical policy, and, omitting to read what he had written to Lord Stratford, retains the opinion, that if England and France cripple Russia, the destruction of Turkey is irretrievable. I regret that the apostle of peace, who quoted to-night the instructions of the Secretary of State to Her Majesty's Ambassador, to prove that this country has no confidence in the resources or energy of Turkey, omitted to quote that passage also. It would have heightened the colouring of his picture, strengthened his case, and enforced his argument, if he could have shown, after seven months of negotiation, the Secretary of State writes his solemn opinion, that the active interference of England and France must sooner or later ensure the irretrievable ruin of Turkey. I proceed to draw what I consider the inevitable conclusion from the despatches to which I have called the particular attention of the House. Remember that they spread over a period of seven months; remember that they notice every principal incident—that in January the Russian army was accumulating upon the Turkish frontier—that the Chancellor of Russia has announced to Her Majesty's Minister at the Court of St. Petersburg that his Court is about to demand measures of compensation in favour of the Greek Church—remember that throughout this

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period we have no formal and specific demand made to Russia to express explicitly her intentions—remember that, throughout this period of seven months, Minister after Minister sent fruitless warnings to the Secretary of State—they came from St. Petersburg—they came from Constantinople—they are disclaimed and rejected when they come from a *Chargé d'Affaires*, they are confirmed and authorised by an Ambassador—armies are assembling—vague demands are made—haughty, ostentatious missions are sent; the Prime Minister of Turkey tells you that the independence of his country is at stake—your own diplomatic agents simultaneously inform you that the balance of power is at issue; and all this time, in every form—in letters to Constantinople, in despatches to St. Petersburg, in instructions to our own Ministers, in conversations with Baron Brunnow, in conversations with Count Walewski—there is no admission on the part of Her Majesty's Secretary of State that there is any cause for alarm. If there be no cause for alarm, why have you diplomatic agents—why should there be any Ambassadors—why should there be any despatches? Why may you not have locked up in some secret cabinet some letter of the Emperor of Russia—to place under your pillow and sleep in peace, though you may be responsible for the safety of the world.

Let us try to find out, then, the cause of this war. My Lord Clarendon talks in one of his letters of an alternative, and I shall offer an alternative also. Either the Government was influenced by a degree of confidence which assumed the morbid character of credulity, or they were influenced by connivance—I mean by connivance a policy which calculated that it was better that the inevitable dissolution of the Turkish empire should take place by the indirect means alluded to, than that its independence and integrity should disappear in an European war undertaken to maintain them. Now, Sir, that is an alternative important to decide. Was it credulity, or was it connivance? On ascertaining that point depends our also ascertaining the object of this war. I believe the cause of the war has been the conduct of these negotiations, during these first seven months by the Government. If that conduct has been prompted by credulity, they may carry on the war with success and spirit. The fact that they have been deceived by the word of an Emperor may be a mournful

fact. It is a lamentable circumstance, but it is an accident to which generous minds may be liable; and the very fact that they are undeceived may animate them to greater exertions, and to efforts which will vindicate their conduct to their country and to posterity. If their conduct has been influenced by credulity, it is possible that you may have a war—a long and a severe war—but it will be a war carried on for great objects, and may end in great public benefit. Russia, by her perfidious conduct—if it have been perfidious—may have precipitated a struggle which, perhaps, was inevitable. Russia may be forced at the end of this struggle to a position which may secure the independence of Europe, and the safety of civilisation. You may have a war which may restore Bessarabia to the Porte—may convert the Crimea into an independent country, destined to flourish under the guarantee of the great Powers—a war that may make the Danube a free river—and the Euxine a free sea; but all this is dependent upon the somewhat humiliating but comparatively pardonable circumstance—that the conduct of Her Majesty's Government has been the consequence of credulity. But let us for a moment contemplate the results of the alternative. If their conduct has been suggested by connivance, you may have a war; but it will be a war carried on by connivance—a timid war—a vacillating war—a war with no results, or rather with the exact results which were originally intended. It will not be a war which will place Russia in that position which we think necessary for the security of Europe and our country, but it will be a war which will end with some transaction similar to Prince Menchikoff's note, or to the arrangements of the Vienna Conference. Now, these are two results so far opposed—so very different and so very opposite—one, I believe, so welcome to the people of this country, the other so entirely unsatisfactory, that I think it is the duty of this House, even if we “potter over blue books,” to try to ascertain the truth of these important facts.

I have now taken you through these seven months important negotiations, ending with a despatch from a Secretary of State, from which only one inference can be drawn, namely, that under no circumstances ought we to go to war for the integrity and independence of Turkey. I have offered you the only alternative which can explain this strange conduct of the Ministry, and I

have asked you to decide whether it is credulity or whether it is connivance. But, Sir, there is a passage which I must now call the attention of the noble Lord (Lord J. Russell) to, because I think it demands some explanation. You know last year we were not permitted to touch upon this question. You know last year sometimes a question was asked, and the Ministry, perhaps not without reason, deprecated discussion. Therefore, I think the noble Lord is the last person who ought to complain of being troubled with inquiries on this question. But the noble Lord must feel that if, in 1853, he told the House of Commons that it was inconvenient to answer questions, in 1854 the creditor would have the right at least to ask that the bond should be satisfied. It is due, I think, to the country and the Government of which the noble Lord is a member, that he should throw some explanation over the circumstances to which I am going to refer, which may assist us to a solution of this question, whether the conduct of the Government has been prompted by credulity, or whether it has been suggested by connivance?

On the 25th April, 1853, a noble Lord in another place addressed some questions to the Secretary of State. The Marquess of Clanricarde adverted to the alarm recently excited by the announcement of the special mission of Prince Menchikoff from St. Petersburg to Constantinople, and by the French Government having considered this mission to be of such grave importance as to induce them to send a portion of their fleet to Salamis, circumstances which pointed to the advantage of a union between England and France. Now, this was the most important inquiry with regard to the Eastern question that had been made, and second only in interest to the debate which took place at the end of the Session, on the Motion of Lord Malmesbury. Lord Clarendon expressed a strong opinion with respect to the obligation to maintain the independence and integrity of the Ottoman empire. He stated also, with regard to the mission of Prince Menchikoff, that, the Turkish Government having made to the French Government certain concessions which appeared to be inconsistent with concessions previously made to the Emperor of Russia, the Emperor of Russia, knowing the interest felt by the Greek population in the Holy Places, determined upon sending Prince Menchikoff on

a special embassy; and that Prince was ordered to arrange that matter of the Holy Places, and to place it on a permanent and satisfactory footing. Now, at the time when Lord Clarendon made that statement, he was fully aware, to put it very briefly—first, that great military preparations were being made by Russia, and consequently that there was considerable danger of the peace of Europe being disturbed; and, secondly, that Prince Menchikoff had spoken of the question of the Holy Places lightly, as a question which he did not understand, and as of a secondary nature; and that, from Colonel Rose's despatches which he had received more than a month, he was also aware that the real object of the mission of Prince Menchikoff was the securing a treaty with the Porte, which was inconsistent with the interests of England and France, and incompatible with the independence of the Porte itself. He was aware also that Prince Menchikoff, having failed in his object, had quitted Constantinople (had threatened to quit Constantinople). I ask the House, was Lord Clarendon justified in making that statement to the House of Lords and to the Parliament of England, when he was in possession of that information? What is the condition of the forbearance of the two Houses of Parliament towards Ministers? It is that they should be at least met in a frank and candid spirit; that if the Minister rises and says it is inconvenient to the public service that an inquiry should be answered, a patriotic and proper feeling should render every Member silent; but there is a clear understanding that no Minister should rise in his place and mislead Parliament. I, therefore, ask the noble Lord, or any of his Colleagues that may follow me in this debate, did they, or did they not, think that Lord Clarendon was justified in the statement he made on the 25th of April in the House of Lords—that statement being briefly that Prince Menchikoff's mission was to arrange and dispose of the question of the Holy Places—when he had information that Prince Menchikoff had absolutely quitted Constantinople, (threatened to quit Constantinople), and that his object was to obtain a secret convention—secret as respects England and France—and inconsistent with the independence of Turkey and incompatible with its honour.

But we have been told that we have enough of information on this question. We must not "potter over blue books."

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A year ago we made inquiry of the Minister in his place in Parliament—which of all places in the world should animate a man to a noble fulfilment of his duty—and we were met by the usual answer, that the inquiry was inconvenient; but information was given, which information we did not find to be fraudulent until we had the blue book to "potter over." Talk of the conduct of Prince Menchikoff! I think that the Parliament of England have been treated by a Secretary of State in a harder fashion than they were treated by the Russian Minister. I will give no opinion on the alternative; but what I want hon. Gentlemen to do, is to apply this alternative to all these documents—to apply this alternative to the representation made by the Secretary of State when he was in possession of Colonel Rose's despatches; and I ask you whether that representation made by Lord Clarendon was influenced by credulity or connivance?

It is impossible for me not to notice the Vienna note: the next phase of these transactions. The noble Lord has noticed it, and I shall probably be able to treat it as briefly as any Gentleman who ever spoke on so difficult and delicate a subject. But the most remarkable thing is the language of the noble Lord on this extraordinary document. Here are all the diplomatic wisecracks of Europe assembled at Vienna in a conference; and they draw up a document which Turkey and Russia both agree in ascribing the same meaning to, and which meaning is the one not intended by any of the Ministers or diplomatists of Europe who were engaged in the drawing it up. That is the first remarkable circumstance. But the most curious thing is, that the Vienna note, to my poor view, and I apprehend to that of men of common understanding, appears in the exact spirit, and almost in the exact shape, of the rejected Menchikoff *ultimatum*, which was at once to be considered as a *casus belli*. Is that connivance or not? Is it connivance when this note having been first sent to the Emperor of Russia and accepted by him, is then hurried to Constantinople and offered to the Sultan, with hardly a moment's time for consideration, because he is apprised that time is precious, and is providentially rejected by him? How does the noble Lord treat this? Upon the hypothesis of connivance—but I express no opinion, I speak only of facts—it is very easy to understand it. Having intended



from the first that there should be no real struggle for the independence and integrity of Turkey—having intended, from the first, that the *ultimatum* of Prince Menchikoff should be accepted, they would have been very glad, by means of a Vienna note, to have obtained their purpose. The other hypothesis—credulity—is very difficult to apply it to the case, because I can hardly imagine that any Minister could be so credulous as to suppose that Turkey, having rejected the *ultimatum* of Prince Menchikoff, would have accepted the note of the Vienna Conference. But what was the language of the noble Lord with respect to this note? He said, “I do not know whose note it is—it is none of our child” [*expressions of dissent from Lord JOHN RUSSELL.*] The noble Lord will have the means and the opportunity of correcting me. I understood the noble Lord to say, “We did not draw the note, although we are responsible for it.” “I know,” was the language in another place, “that we are formally responsible for it;” and I believe a noble Lord said, “We did not touch it up, but others did.” Well, at the end of the last Session, when the country began to be somewhat alarmed respecting these transactions in the East, when the noble Lord the Member for the City of London was pressed in this House upon the subject, he answered, I admit, fairly and frankly enough. But what was the reply to the question by a Minister more peculiarly responsible, and more particularly qualified to give an answer to such a question? What did the Secretary of State for Foreign Affairs say? Lord Clarendon did not speak of this note at all in a depreciating tone. On the contrary, he was most sanguine; and in reply to the question of Lord Malmesbury, said that, in point of fact, the Vienna note had brought the negotiations to the point of a satisfactory conclusion. He said also, that the note originated with the French Government, that it was slightly modified by us, that it contained nothing derogatory to the independence or integrity of the Porte, and he could see, therefore, no difficulty to its acceptance by the Porte. The note, then, it appears, was drawn up by a very able man the French Secretary of State—it was sent to all the other great Ministers of Europe—it came here, and had the advantage not only of the full consideration of the Cabinet, but of a Cabinet of all the talents. It is not

hurriedly decided upon, but is here a considerable time, and we have the opinion of the Secretary of State, “that it contained nothing derogatory to the independence or the dignity of Turkey, and he thought it brought negotiations to a satisfactory conclusion.” I say, what are we to think of the discrimination of these statesmen? It is very easy to say that the Vienna note was an unfortunate affair, but it is one of the most important political documents since the Treaty of Vienna. Here you have the peace of Europe depending, and you have grave statesmen concentrating their intellect on the question, and they produce a note which they themselves now admit to be the greatest failure on record. But I look upon this matter in another spirit. I cannot believe that some of the ablest and most eminent men in England, whom I now look upon, and those most able and eminent men whom I might look upon in another place, could have produced such a failure or such a document. But if from the first there was a foregone conclusion—I do not say in the whole Cabinet, but in the majority of the Cabinet—for I think I may be able to adduce strong evidence hereafter, that upon many points the Cabinet were not united; if, I say, there did exist a foregone conclusion in the minds of the Cabinet, or a majority of it, that the independence and integrity of Turkey was a farce, and that by a conscientious connivance the affair might be settled by means of this note, then we can account for its production and its failure.

I have now carried the House through two of the most important stages of these negotiations. I have examined the seven months of negotiation which elapsed from January to July much more briefly than I could have wished to have done, and now let me ask the House to bear in mind the alternative which I have suggested as a means of explaining the cause, and throwing some light on the object, of the war. I now approach an interval—a dreary interval—after the failure of the Vienna note. What is the conduct of the Government? This is a most important period, and I entreat the House, although it may weary them now, to remember that, if these events are of the magnitude which all of us believe, that it will facilitate useful discussion if we examine them completely. The more complete the examination of these papers and these transactions, the more

satisfactory it will be to the country, and the more it will save the time of the House hereafter. I come, therefore, now to the third period, the interval that took place between the failure of the Vienna note and the affair of Sinope. Now, what is the tone of the Government for those two or three months? I shall not refer, as some one in another place has referred, to articles in a journal which Emperors, they say, read, and to which Prime Ministers are supposed to contribute. I will not refer to them as evidence of the feelings of the Government upon foreign affairs, though the journal is considered semi-official. Never was such a depreciatory tone taken with respect to Turkey as in the interval which elapsed between the failure of the Vienna note and the crossing of the Danube by Omar Pasha. We were told that we might mediate for Turkey, but we must not do more—that we might do a little, but not much—that Turkey was in fact “used up”—and that in short the thing might be settled in some way or other without England doing anything like going to war. I do not say that that is evidence; but as for evidence we have that of one of the most distinguished Members of this House—of one who forms a part of Her Majesty’s Government, and who is supposed to be peculiarly in the confidence of the First Minister of the Crown. That right hon. Gentleman made one of those progresses which public men make sometimes through the country. He found himself on this occasion in a city second only in importance to the metropolis, and while there he found time to give his opinions to an interested assembly upon the state of our foreign affairs. How did the right hon. Gentleman the Chancellor of the Exchequer then view the Turkish question? This Chancellor of the Exchequer, who will probably have to propose new taxes in due time to carry on the war undertaken for the integrity and independence of Turkey—said that the integrity and independence of the Turkish empire were a very different thing from the integrity and independence of England or France, and we must not in any way confound this sovereignty of Turkey, full of anomaly, of misery, and of perplexity with that of the countries he had named. Now, I want to know what that means. If the independence and integrity of Turkey are different from the independence and integrity of England and France, I would advise this House—if that is the opinion of Her Majesty’s Ministers and

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more particularly of the Finance Minister—to think twice before they enter into this war. What is the case of Russia? Why, the case of Russia is exactly that described by the right hon. Gentleman the Chancellor of the Exchequer. Russia says to you, “We are prepared to respect the independence and integrity of the Porte.” You have, at least you tell us so, the personal assurances of the Emperor to that effect; but, according to your opinion, the integrity and independence of Turkey are very different things from the integrity and independence of England and France. Therefore, let the Sultan be at Constantinople—let him still possess his side of the Danube, but let us govern three-fourths of his subjects. And why not? It is, you know, a “sovereignty full of anomaly, full of misery, and full of perplexity.” Why, Count Nesselrode could not have made a better plea—more fraudulent, if you please. The right hon. Gentleman the Chancellor of the Exchequer makes a speech at Manchester, at a time when Parliament is not sitting, when every man is anxious to receive some cue of the opinion of Her Majesty’s Government on the Eastern question, to tell the people that the cause of the Turks is hopeless. For my own part, however, I believe that there were one or two virtuous men in the Cabinet, though not enough to save a city. They were in the minority; but it was understood that they did their duty, that their recommendations were right—and were adopted six months after the proper time. Certainly nothing could be more gloomy than the state of Turkey at the time when the Chancellor of the Exchequer was stating the views of the Cabinet at Manchester.

Now, what was it that changed the aspect and fortunes of Turkey? What was it that gave a new impulse to the Cabinet? It was not diplomacy, not Vienna note, not instructions to ambassadors, depreciating the energy of the land they affected to save—not that accumulated mass of trifling, or worse than trifling, which we have upon our table—no, it was the energy of the Turks themselves. The valour and patriotic spirit of the people whom the hon. Member for the West Riding (Mr. Cobden) reviles—the energy, the patriotism, and the enthusiastic vigour of a “sovereignty full of anomaly, full of misery, and full of perplexity,” which Europe witnessed and admired, and which among all classes in England met with a prompt and generous sympathy. The Danube

was crossed, the battle of Oltenitza was won; Russia, which had been accumulating her menacing forces, was beat back by the very men whom your own Minister and Ambassador had counselled for months to forfeit their independence, and to let their country fall to the ground. But no sooner had the first flush of this good fortune passed over, and a little reaction occurred—no sooner had there been a lull in the public mind, than the policy of credulity or of connivance was at its dirty work again, and the Turks were told, since they had shown themselves capable of fighting successfully for their country, “Not, for God’s sake, to disturb the peace of Europe.” Give over this fighting. Respect the feelings of the Emperor of Russia. We are going to send you some new propositions almost as good as the *ultimatum* of Prince Menchikoff, and more successful, we trust, than the Vienna note; and certainly there never was a more disgraceful period, either for diplomatists or for Ministers than when the Sultan was repeatedly asking us to prove our sincerity by entering the Black Sea, which we as often declined to do. It was as disgraceful for France as for England. One day we were told the Admiral had quarrelled with the Ambassador; another day the Ambassador with the Admiral; then the two Admirals disagreed, and then the two Ambassadors; at least we are told so if we “potter over blue books.” But my opinion is that all this time there was a great diplomatic conspiracy going on, which was to settle this affair in a manner which, if it had succeeded, would only, as Lord Stratford de Redcliffe tells us, have postponed the evil day, and forced us to a solution of this imperial difficulty under circumstances of much aggravated disadvantage. Well, as the battle of Oltenitza saved the Turks once, the slaughter of Sinope operated again in their favour. The fleets were ordered to enter the Black Sea; but when we entered the Black Sea what did we do? Was that a policy of credulity or a policy of connivance? When I heard of the return of our squadron to Constantinople, I could not help recalling the words of a great orator when he was addressing an assembly not less illustrious than this: when he said, “O! Athenians, the men who administer your affairs are men who know not how to make peace or to make war.” Well now, Sir, having expressed my opinion that the cause of this war is the conduct of the Ministry, or at least of

a powerful majority in the Ministry, who influenced the negotiations for the first seven months, I have a right to express my fear that, if it has been a policy of connivance which has only been baffled by events, it will lead, after, perhaps, a disastrous war, to an ignominious peace.

I come now to the last point, to the preparations which the Government have made for the future. Sir, the right hon. Baronet the First Lord of the Admiralty has given us a catalogue, though an imperfect one, of some of the advantages which we now enjoy—though otherwise we should not have possessed them—to meet the difficulties which we have to encounter. And first of all I was glad to hear from the right hon. Gentleman that, though the Government have not done much in the interval, they have succeeded in cementing a good understanding and alliance with France. The right hon. Gentleman ought to be a judge of the importance of such an alliance. About a year ago an alliance with France was not in such favour on the Treasury benches. I remember it was imputed as a great fault to a noble Friend of mine, who was once Secretary of State, that he was too fond of an alliance with France; and when I remember the acrimony, the vituperation, the ignorant impertinence with which Lord Malmesbury was assailed during his tenure of office, on this very head, and contrast the public opinion toward that nobleman at this moment with what it then was, as his Colleague then and happily his Friend still, I must express my satisfaction. The country now recognises his sagacity, and that he was a Minister of unswerving firmness; but this time last year the French alliance, since happily cemented by Her Majesty’s Ministers, was not so much in vogue as at present. Far be it from me to allude to past debates, nor should I have done so had I not found that so discreet and experienced a Minister as the leader of the House thought it expedient that this year our discussions should be again enlivened by abusing another Emperor. Last year the Emperor of the French was a pirate; this year the Emperor of Russia is a butcher. After the trial of Dr. Sacheverel, Sir Robert Walpole said that the Whigs had had quite enough of roasting a parson. I should say that Her Majesty’s Ministers have now had quite enough of roasting an Emperor, and I should not be surprised that, if the war be shorter than some imagine, perhaps

by this time next year they may have succeeded in cementing a peace with Russia. What the character of the Emperor of Russia may be then I cannot say, but I have no doubt that the First Lord of the Admiralty will do justice to it. But we are told by the noble Lord (Lord J. Russell) that we have entered into a mutual alliance with France to prosecute this war. That is an important declaration, and I wish the noble Lord had favoured the House with more details upon the subject. The noble Lord was somewhat vague in his reference to the conditions of this alliance. I think the country and the House have a right to know what are these projected engagements as to not disturbing the territorial arrangements of Europe; for that I inferred was one of the conditions of this projected alliance. I think if the noble Lord and his Colleagues have entered into any engagement of that nature, they have entered into one of the most unwise and most unnecessary engagements possible.

LORD JOHN RUSSELL: I did not say that there was an engagement, or anything like it.

MR. DISRAELI: The noble Lord's tone was certainly somewhat low and diplomatic when he referred to the treaty. But I am, however, very glad to find that he has not recommended such engagements. The hon. Member for West Surrey (Mr. Drummond) and others have referred to the balance of power, and some Gentlemen have spoken of it with ridicule, and assuredly in a manner that I will not imitate. But, Sir, I never will confound the maintenance of the balance of power with the maintenance of the present territorial distribution of Europe. They have nothing to do with each other; and if we confound them, this country may be involved in great dangers and difficulties. We all know—at least those who, like the noble Lord opposite and other hon. Members, who believe in the absolute existence of a balance of power—we all, I say, know what it is at Madrid, what it is in Belgium, what it is on the strategic line of the Adige, what it is at Constantinople; but though this is true, it is not true that the distribution of territory sanctioned by the treaties of Vienna has necessarily anything to do with the balance of power. And we had a proof of that in 1848, when the greatest changes in Italy were sanctioned by the most eminent statesmen, even by so illustrious a man as Prince Metternich, as not in any way disturbing the balance of

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power. I impress this on the House; because the future of Italy mainly depends on the appreciation of this truth. But we are told by the noble Lord that, in order to strengthen our position at this moment, we have entered into an alliance with Turkey. I must be allowed to observe that, admitting that alliance with Turkey to be not only expedient but necessary, my astonishment is that that treaty was not entered into months, ay many months, ago. It is a notorious fact that during the last eight weeks there have been repeated attempts to negotiate directly between Russia and Turkey. It is known that in one instance the attempt was nearly successful, and I should like to know what would have been the position of the noble Lord opposite and his Colleagues if he had had to come down to Parliament to say that Russia and Turkey had succeeded in settling this affair between themselves on terms fatal to the independence of Turkey and injurious to the interests of England, because Her Majesty's Ministers had omitted at the proper time to bind Turkey by a convention to the fulfilment of necessary engagements. I should say they would have been in almost as compromising a position as had Turkey signed the Vienna note; and I believe that would have been a position which, for dismay, disgrace, and disaster has been rarely equalled.

I am sorry that when the noble Lord gave us this information with respect to the treaties with Turkey and France, he did not in any way confirm the flattering statement of the First Lord of the Admiralty with regard to the German powers. The First Lord of the Admiralty, in his catalogue of the immense achievements of Her Majesty's Ministers, and in his announcement of their successive labours for the welfare of the country, told us that we might congratulate ourselves on having drawn the German powers into union with England and France. But I observed with deep regret—though I believe the statement was perfectly justifiable—that the noble Lord distinctly stated that neither Austria nor Prussia was bound in any way to interfere if war should continue. But, Sir, I think it was the duty of Her Majesty's Ministers to demand from those Governments a distinct and categorical answer as to what they intended to do if war proceeds. I think, moreover, that that is a subject on which Her Majesty's Ministers are bound to give information to



Parliament. On Friday night, the noble Lord said that I had made a most important observation because I rose with the concurrence, indeed at the request, of hon. Gentlemen on these benches, to state that we should offer no opposition to the Vote for men which the noble Lord wished immediately to pass. The noble Lord was pleased to say that that was an important declaration. I confess myself that I was rather surprised at the somewhat exaggerated view which the noble Lord took of those simple words. For whatever might be our opinion of the conduct of the Government in the management of those transactions which have led to this terrible conclusion, I cannot suppose that on these benches there could be any difference of opinion as to the duty which we have to fulfil—to support our Sovereign, and to maintain the honour of our country. I can assure the noble Lord that so long as the Opposition benches are filled by those who now occupy them, he will at least encounter men who will not despair, under any circumstances, of the resources and of the fortunes of their country. The noble Lord possesses great historical information, and has great experience of this House. I cannot but believe that the noble Lord must have drawn his opinion of those who sit opposite him from his recollection of other and preceding Oppositions. I do not know whether, on the part of the noble Lord, it was an impulse of memory or of remorse. But this I can say—for this I can answer on the part of myself and my friends—that no future Wellesley on the banks of the Danube will have to make a bitter record of the efforts of an English Opposition to depreciate his efforts and to ridicule his talents. We shall remember what we believe to be our duty to our country; and however protracted may be the war, however unfortunate may be your councils, at least we shall never despair of the Republic.

VISCOUNT PALMERSTON: Mr. Speaker, late as is the hour (one o'clock) to which this debate has been protracted, I should feel that I was not discharging the duty which I owe to this House and to the Crown, if I permitted the debate to close without making some observations in reply, and in consequence of the speech of the right hon. Gentleman who has just resumed his seat. Sir, I am ready to admit that we are met here on one of the most important and solemn occasions which can fall to the lot of Parliament—to

deliberate upon a most momentous question. The country, by the admission of the responsible advisers of the Crown, is—I am afraid, I must say—on the very verge of war. The House and the country have a right to know what has been the conduct of the Government, and what have been the circumstances which have led us to this condition. We have laid before Parliament papers which show what the conduct of the Government has been, and we have laid them before Parliament for the express purpose of affording it an opportunity of fully considering and reviewing that conduct, and, if it thought fit, of expressing an opinion thereupon. But I must confess I did not expect to hear from any Member of this House that which has just fallen from the right hon. Gentleman; because I think that, if it were to be the opinion of this House that Her Majesty's Government, in the discharge of its public duties and in the conduct of this great and important negotiation, upon a matter involving not only the interests of this country, but the peace and welfare of Europe, was chargeable either with credulity or with connivance—I think that if the House felt that those were the only alternatives on which they were called upon to pronounce, it would declare that we no longer held the confidence of this House and of the country. But we are told that the Government, with regard to which this House has only the alternative of condemning them for credulity or for connivance, is, nevertheless, to receive the confidence of Parliament—that the supplies necessary to carry on the war are to be entrusted to them—and that the Gentlemen who sit opposite are ready to commit to the hands of such a Government the fate and the fortunes of the country.

Well, Sir, a Government, standing in the position in which we do, must expect that its conduct will be scrutinised to the bottom. Now there are many charges which might be brought against us. We might, in the first place, be accused—any Government in our position might be accused—of having rashly, improvidently, and without due regard to the heavy responsibility which devolved upon us, brought the country to the condition of being obliged to draw the sword and rush into war. That is a charge which no one has made against us. That charge would, indeed, have been a heavy one, and if it had been proved against us, would have showed us to be deserving of the severest

by this time next year they may have succeeded in cementing a peace with Russia. What the character of the Emperor of Russia may be then I cannot say, but I have no doubt that the First Lord of the Admiralty will do justice to it. But we are told by the noble Lord (Lord J. Russell) that we have entered into a mutual alliance with France to prosecute this war. That is an important declaration, and I wish the noble Lord had favoured the House with more details upon the subject. The noble Lord was somewhat vague in his reference to the conditions of this alliance. I think the country and the House have a right to know what are these projected engagements as to not disturbing the territorial arrangements of Europe; for that I inferred was one of the conditions of this projected alliance. I think if the noble Lord and his Colleagues have entered into any engagement of that nature, they have entered into one of the most unwise and most unnecessary engagements possible.

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The interests at stake are too great and important not to have justified every possible degree of forbearance, short of the sacrifice of those interests which it is our duty to protect.

But, Sir, it may be said, what is the object for which this country is asked to give the means for carrying on war; is the object of sufficient magnitude to justify the efforts which you require the country to make? Why, Sir, I answer that question by saying, that it is the opinion of the Government that the object is worthy of the effort, and that opinion is shared by France, by Austria, and by Prussia. All those Powers have acknowledged in the most solemn and distinct manner that the independence and integrity of the Turkish empire is an essential condition for the maintenance of the peace of Europe—that it is an essential element in the balance of power, and that it would be a calamity to Europe if any attempt was made to destroy that integrity and independence. Why, even Russia, while she is pursuing the course which is acknowledged by all, except herself, to be fatal to that independence—even Russia does not venture to deny the principle that the integrity and independence of the Turkish empire is an essential element and condition of the welfare of Europe. Now, Sir, it is manifest that if Russia were to appropriate these territories, now under the sway and sovereignty of the Sultan, she would become a Power too gigantic for the safety of the other States of Europe. Bestriding the Continent from north to south—possessing the command of two seas, the Baltic and the Mediterranean, enveloping the whole of Germany, embracing regions full of every natural resource and with a population of enormous extent—she would become dangerous to the liberties of Europe, and her power would be fatal to the independence of other States. I say therefore, it is the duty of the other countries of Europe to prevent such enormous aggrandisement of one Power as that which would result from such a change. I shall be told, very likely, that Russia does not want any accession of territory—that she does not pretend to take permanent possession of anything belonging to the Sultan—that she merely holds the Principalities as a pledge for concessions which she requires—concessions which she says are essential to her dignity and her honour. Why, the Turkish Minister's reply to that statement is exactly the truth. He said, Better far

*Viscount Palmerston*

would it be for Turkey to have one of her limbs cut off, than to have infused into the whole body politic a poison which would destroy her vital energies and lay her prostrate at the feet of her powerful neighbour. That, Sir, which Russia demanded was nothing less than right of sovereignty over 12,000,000 of the subjects of the Sultan, which would have the effect of rendering the Sultan the nominal, and not the real, sovereign of his country. I say, therefore, that concession was a course which Turkey was justified in refusing, and which every other Power—England, France, Austria, and Prussia—united to declare could not be made without the sacrifice of the independent sovereignty of the Sultan. I maintain, then, that the object for which we are contending is one which a due regard for the interests of this country, for the welfare of Europe, and for the peace of the world, justifies us in aiming at by the course we intend to pursue. We are told, however, that the general and abstract principle of the balance of power, which some persons seem to look upon with ridicule and contempt, is undeserving of the care of statesmen; that there is something in the condition of the Turkish empire which makes it unworthy of our support; that it will be impossible to prevent its dissolution; and that because that empire is not as far advanced in civilisation as other countries, it ought to be conquered by Russia, and blotted out of the map of Europe. I have been asked by the hon. Member for the West Riding (Mr. Cobden), whether I still maintain the assertion I made last Session, that there is scarcely any other country in the world which had made, in the same period of time, such progress in its internal arrangements as Turkey has done. I abide by that assertion. Any man who looks into the condition of that country at present, and compares it with what it was thirty years ago, will admit the truth and justice of my assertion. It is true that Turkey is behind England and France in civilisation, but we are not on that account to forget how much further advanced she is now than she was in the time of Sultan Mahmud. Every one who knows anything of her internal arrangements—of her army and navy—of her justice and administration—of her commercial system—of her religious toleration—must allow that great progress has been made since that period.

But it is said, forsooth, that Turkey is



question, and I must say that, when Count Nesselrode asserted, at a later period of the negotiations, that Her Majesty's Government knew from the beginning what were the demands which Prince Menchikoff was to make, he stated that which was utterly at variance with the truth. It is painful to speak of a Government like Russia in terms of censure and condemnation; but I must say, in vindication of Her Majesty's Government, that throughout the whole course of that negotiation, the Russian Government, by its various agents and by itself, exhausted every modification of untruth—beginning with concealment and equivocation, and ending with assertions of positive falsehood.

Complaint has been made of the forbearance shown by Her Majesty's Government in these negotiations. Has anything been lost, I ask, by the forbearance with which the Government have dealt with this question? If, in the course of last summer, steps had been taken which would have brought matters to the point at which they now are—if we had found ourselves in June or July on the brink of a rupture with Russia—our position would not have been such as it is at the present time. Many men indeed, say, that Russia would have given way, if we had shown more vigour. Well, I admit that this is a very plausible opinion. Many men may be justified in entertaining it; but, after all, it is but an opinion. It is but an opinion, and might have turned out to be a wrong one. Now, if it had turned out to be a wrong one, and if, instead of obtaining the submission of Russia, we had urged Russia to the point at which we are now likely to find her, we should have made a great political mistake, and this country would not have been in the position in which she is at the present moment. There were many reasons why forbearance was desirable. It was of the utmost importance in a matter affecting the great interests of Europe, that though England and France were from the beginning heartily, cordially, and entirely together, we should endeavour to obtain the concurrence of Austria and Prussia. We knew that those two countries had an interest in the matter more direct and greater than had either England or France. To Austria and Prussia it is a vital matter, a matter of existence—because if Russia were either to appropriate any large portion of the Turkish territory, or even to reduce Turkey to the condition of a mere dependent State, it must be mani-

fest to any man who casts a glance over the map of Europe, and who looks at the geographical position of those two Powers with regard to Russia and Turkey, that any considerable accession of power on the part of Russia in that quarter must be fatal to the independence of action of both Austria and Prussia. Well, it was of great importance to get those two Powers with us as far as possible, and to obtain their concert and concurrence; but neither of them could be expected to risk lightly a rupture with their great and powerful neighbour. The reasons which might lead Prussia not to risk herself—the reasons, I would rather say, why those who wished well to Prussia would not desire to thrust her forward singly—are obvious to any man who looks merely at the map of Europe. As to Austria, we knew that she was under great obligations to Russia, and it was natural that she should be unwilling to break with that country as long as it was possible for matters to be arranged by amicable adjustment; and if Austria had seen that England was deaf to her counsels, and unwilling to meet her wishes, and had hurried matters on, and precipitated a war which Austria thought that a little more forbearance, and the exercise of her influence at the Court of St. Petersburg, might have averted—I say, if Austria had felt that such had been the conduct of England and France, we should not have been entitled to her active co-operation in the war that is now impending. It was, therefore, of the greatest importance to avail ourselves as much as we could of that influence which Austria possessed, or imagined she possessed, at the Court of St. Petersburg, and to convince Austria that we considered and consulted her interests and position, as well as our own, and were willing to give every possible opportunity for an amicable settlement of existing differences, if by her means it could be effected. I believe I shall not overstate the truth when I say that the conduct of England and France in that respect has been fully appreciated by Austria and by Prussia; whereas, if matters had been hurried on in the course of last summer, when we might have had no reason or right to expect their co-operation, I cannot persuade myself that the conduct of Austria and Prussia would have been the same as it is at the present time. Well, then, Sir, I say that the conduct of Her Majesty's Government is not blameable, either on the ground of precipitation or on the ground of too much forbearance.

opinion, there never has been a great State whose power of external aggression has been more overrated than that of Russia. It has been said that Russia is powerful in self-defence, and it is inferred from that that she is equally powerful in aggression. But the very circumstance which makes her so powerful within, makes her also comparatively weak without. The vast distances which an invading army has to traverse in Russia, the difficulties of obtaining supplies, and the dangers and fatigues of the march, tell in her favour when she is assailed, but equally tell against her when she becomes the assailant. She has to march great armies over long distances, at an immense expenditure of money and a vast waste of human life, and her internal arrangements for this description of service are not such as to afford the greatest result from a given expenditure of money. We all know that there is a great difference between men paraded on paper and men marshalled on the field; and we know that an army, very powerful when it starts on the beginning of a long march, often presents a very different aspect when it arrives at the scene of operations. We heard last year that hundreds of thousands of men were to be poured into the Danubian Principalities; but that the Russians have never had there any great forces in the field is proved by the circumstance, that in the encounters which have taken place they have invariably had the worst of it; and that when they have attempted to force the position of the Turks or to cross the Danube, they have not been able to effect these objects. Well, then, Sir, this being the state of things with regard to Russia; the Turks, on the other hand, have shown an energy and vitality which few people believed them to possess. Talk of Turkish fanaticism! Why, what the Russians call fanaticism we, in this country, should call public spirit and patriotism. The Russians stigmatise as fanaticism the patriotism of the Turks in rallying round the Sultan to defend his throne and person.

I was reading the other day a despatch from one of our consuls in European Turkey, in which he said that the contingent required of the district was 1,000 men, but that 4,000 appeared on the day of muster, and that the remaining 3,000 expressed the deepest disappointment and mortification when told that they might return to their homes, their services not being required. To this they replied that they wanted was rations and arms, and

*Viscount Palmerston*

that pay and clothing they would supply for themselves. This, Sir, is one instance out of many of the spirit of the people. Their valour and bravery in the field are known to all the world. The manner in which Omar Pacha has conducted the campaign in which he is engaged, has proved that he is a man of great military skill and ability. Now, Sir, my opinion, then, is that any one great Power like England or France would be able successfully to assist Turkey against Russian aggression. I am convinced that if either England or France alone were to take Turkey by the hand and assist her, Russia would never succeed in accomplishing her object. But when England and France together take the cause of Turkey up, I maintain that the chance of Russia is utterly desperate. And I think we are entitled to expect that, if the war should continue, Austria and Prussia would not remain idle and passive spectators of the conflict. There must be, no doubt, in Prussia a spirit of public independence and freedom, and, if any of the spirit of old Frederick remains, they will not quietly permit the destruction of Turkey by Russia. Austria must have forgotten all her traditional policy—she must be blind to all her own interests, if she could permit the aggression of Russia on the Turkish empire. Therefore, I say that England and France, being the active supporters of Turkey, and the whole opinion of Europe being against Russia, who will not have a single ally to support her in a career of injustice, I cannot doubt what will be the issue of the coming conflict.

I must say that it is a noble sight, Sir, to see England and France, two countries which for centuries have been in rivalry with each other, now united in a common course of action—bound by reciprocal engagements, and having in view as the result of their operations no selfish advantage. It is a noble sight to see them standing forth in defence, not of their own interests only, but of the liberty and welfare of the whole of Europe. It is a proud sight to see those fleets and armies which have hitherto met only in deadly conflict, ranging themselves side by side in generous emulation—not armed for the purpose of conquest, not for the oppression of mankind, but in a noble cause to defend right against might, and justice against oppression. I say, that being the case, I care not for the accusations of credulity or connivance. We are willing on this question

not worth defending because the Christian subjects of the Sultan are not in all respects placed on terms of equality with the Mussulman. I believe, however, that, legally speaking, the distinction between the two races is, that the Christians pay the *kharaj* or tribute, and are exempt from the conscription—that they are not admissible as witnesses in civil cases, although I believe they may give evidence in criminal prosecutions. But if the fact of one race being on a footing of inequality as compared with another justifies you in considering the country in which such inequality exists undeserving of an independent political existence, what would have been said by the hon. Gentleman the Member for the West Riding if he had lived not very long ago—historically speaking, and in the life of nations, it is not long ago—when there prevailed a penal code in Ireland which placed our Catholic fellow-subjects on a much worse footing and in a more degraded position than the Christian subjects of the Porte now occupy? I fancy, Sir, in those days when this country produced many men eminent in literature and science, that they would have been surprised if they had been called a set of barbarians, and if they had been told that they ought to be reduced to subjection by France, in order that the Catholics might be put upon the same footing with the Protestant subjects of this realm. I say that the inferior position of the Christian in the Ottoman dominions is no reason why, upon great and political grounds, this country and France, Austria, and Prussia, should not combine to maintain the independence and integrity of the Turkish Empire. I hope the progress of improvement in that Empire will be continued; and I look forward, as one of the elements in the future security of Turkey, to her putting her Christian and Mahomedan subjects on terms of perfect equality. I can assure the House that not only has this been the anxious object of the present Government, and of my noble Friend the Secretary of State for Foreign Affairs, but it has also been the anxious desire of former Administrations. When I had the honour of becoming Foreign Secretary in 1846, when the Government of my noble Friend the Member for the City of London acceded to office, Sir Stratford Canning was then in London. I sent for him, and asked him to return to his post at Constantinople, assuring him that there was no

man in whose ability, sagacity, and knowledge of Turkish affairs, the Government were disposed to place greater confidence. Sir Stratford Canning said he would go on one condition, and that was that he should be allowed to exert all his influence in his character of Ambassador from Great Britain to induce the Turkish Government to go on in the course of national reform on which they had set out, and to place their Christian and Mahomedan subjects on the same terms of equality. I closed with his offer at once, and assured him that we should be only too happy to secure, on such conditions, the services of one who had proved himself to be well worthy of the respect and confidence of his country. But it is said that this is an interference on the part of Her Majesty's Government, similar to the right of interference of the Russian Government, demanded by the note of Prince Menchikoff, and by other proposals of a similar nature, to which Russia wished Turkey to assent. Why, there is the greatest difference between the two cases. We interfered by offering to the Sultan advice which he was at liberty either to refuse or to accept, as he chose. We demanded no protectorate over his Christian subjects; we asked him to improve the civil and political position of his Christian subjects, in order that they might be bound more closely to him by the ties of gratitude—that they might become more useful and devoted subjects—and that they might take a greater interest in the welfare and maintenance of his empire. Far different was that course from the demands of Russia. Russia demanded a right of protectorate, and that she should stand between the Sultan and his subjects—that if those subjects should feel aggrieved they should go to St. Petersburg instead of to Constantinople for redress, and that they should apply for the protection of the Czar instead of appealing to the justice of the Sultan.

Well, then, Sir, I say that the object we have in view is one of great importance, and one which deserves that the best efforts of the country should be made to attain it. But is it likely we shall succeed in our efforts? What is the power and the nature of the adversary with whom we shall have to cope? There are two things equally dangerous in matters of this kind.—one to undervalue your adversary, the other to overrate him. But overrating an adversary is as dangerous as underrating his power. I must say that, in my

expense of the proceedings before the Election Committee, it would have been ruinous to have attempted, and impracticable to have effected, the disqualification of sufficient voters by scrutiny. That just before the sittings of the Committee commenced an overture was made to him that one of the sitting Members should withdraw in his favour if the petition was abandoned; but as this would have prevented an inquiry under the new Act, the petitioner peremptorily refused to listen to the proposal, and proceeded with the petition at a heavy expense; that the Committee unanimously found the sitting Members guilty of bribery and treating, and that Mr. Bremridge was guilty of the cognisance and ratification of one offer of money to a voter; that at the recommendation of the Committee the issue of the writ was suspended, and a Commission of Inquiry was sent down to Barnstaple, before whom it was proved that more than 250 of the sitting Members' voters were corrupt, and that neither of them had polled 150 pure votes, while the petitioner had more than 320. That the petitioner, therefore, thought it hard that he should continue to be excluded from the honour of a seat in Parliament because he had refused to obtain it either by bribery, or afterwards by a compromise, while seats were at this moment notoriously enjoyed in consequence of compromises come to by their occupants, who had been previously guilty of bribery and treating. That he also thought it hard upon the 450 pure electors of Barnstaple that they should remain two years unrepresented because they and the petitioner acted up to the spirit and the letter of the law. In conclusion, the petitioner prayed that some remedy might be applied to the present fundamentally erroneous mode of dealing with election petitions; for that so long as they were dealt with by private individuals, and were left to be carried on or dropped as it suited their interests, instead of being considered as public matters deeply affecting the honour of Parliament, so long the petitioner feared would the ends of justice continue to be defeated by private compromises and arrangements; the responsibility for which, in fairness, attached rather to the Legislature, who neglected their obvious duty, than to individuals, who only exercised what was at present their undoubted legal rights.

LORD BROUGHAM considered the petition which had just been presented of the greatest importance. He regretted that

*The Earl of Shaftesbury*

his noble Friend who had presented it had not entered a little more at large into the subject, for it was much easier to ask for a remedy than to grant one, as, before doing so, they must discover a remedy that would be effectual in preventing a mischief, the existence of which could not be doubted, nor its extent possibly be exaggerated. Until the other House would consent—he would not say to part with its right to investigate the claims of Members and their defences—but until it would consent to modify its proceedings in election matters, so as to obtain a more properly constituted tribunal of justice, and judges duly qualified to dispose of legal questions as well as questions of fact—until some exception was made to that strict rule by which all interference with the other House had, since the passing of the Grenville Act in 1770, been prevented, he much feared the evils complained of would remain.

THE EARL OF SHAFTESBURY said, that his noble Friend suggested the appointment of a public prosecutor as a remedy for some of the evils of which he complained.

THE MARQUESS OF LANSDOWNE expressed his satisfaction that this petition had been presented, because it put the evils of the law, as it now stood, in a very striking point of view. For what was the case set forth in the petition presented by the noble Earl? It was, that under the existing law all those parties whose conduct had been in conformity with the intention and spirit of the law had been losers, while all those whose conduct had been against the spirit of the law had been gainers by it. The petitioner refused to bribe, and had lost his seat in consequence; the other party bribed, and had obtained that seat. An opportunity was offered to procure the seat by compromise, by a mode other than by election:—again, the petitioner conceived it his duty to conform to the spirit of the law, and did so in such a manner that he was again deprived of that seat to which he was entitled. On the other hand, the voters who had received bribes deprived, not only the candidate who should have been elected, but the honest unbribed voters, of the free exercise of that suffrage to which they were entitled by law. Could they have a stronger case to show the necessity of putting the law in such a state as should obtain for it the respect, obedience, and conformity, of candidates and voters, and should not make it equally the interest of both to set it at defiance?



to be judged by this House and by our fellow-countrymen; and I am convinced that the people of England will be satisfied that we have not involved them recklessly, and without due cause, in the necessity of a war. That war, though I do not wish to underrate its consequences, or the exertions which it may require—that war will, I think, be different from other wars in which we at former times have been engaged. But I will not dwell upon that. I feel no hesitation in appealing to the country for assistance in the contest in which we may be involved; but this, at least, I will say, that, if the country or this House think that we have shown the weakness of credulity or the infamy of connivance, let them take from us the conduct of a war which we should be totally incompetent or unworthy to conduct—let them place its conduct in the hands of those in whose judgment and sagacity they may rely, and in whose integrity they may place their confidence.

COLONEL SIBTHORP said, he had heard with deep regret the remarks of the noble Lord who had just sat down on the Mahomedan religion. He thought that they were unworthy of the noble Lord, whom he regarded as a most sincere Protestant. In his opinion there had been, on the part of the Treasury bench, a gross, unworthy, and unjustifiable system of delays; they had shown themselves political toadies of the Emperor of Russia, and he believed they would yet succumb to him, as he had told them last year they would. It was unworthy of this great country to be giving way either to Austria or France; and he would tell them no man entertained a greater suspicion of the subtlety of the French Emperor than he did; and he hoped the country would not be humbugged. He was afraid it would, though. Let England only rely upon herself. He himself only held a small appointment—he was merely a colonel of the militia, but as such, even also in a pecuniary point of view, as well as with all his energies, he was prepared to come forward in defence of his country, and was ready to be sent anywhere in its cause. He was one of the old school, and he hoped that England would not lose sight of the principles of that school. He would, however, thank the noble Lord opposite (Viscount Palmerston) for what he had done in organising that most useful and constitutional force—the militia; and he hoped the Government would rely on that force. But he would

warn the House to beware of the noble Lord the Member for London, for he (Colonial Sibthorp) placed no confidence in him whatever.

Question put and *agreed to*.

House in Committee of Supply.

(1.) 16,024,100*l*. Exchequer Bills.

Mr. J. WILSON moved, that a sum of 16,024,100*l*. be granted to meet outstanding Exchequer Bills.

*Agreed to*.

#### NAVY ESTIMATES.

SIR JAMES GRAHAM said, that at that hour of the night he could not of course ask the Committee to listen to a statement on the subject of the naval estimate—that he would reserve for the very first opportune moment. He thought, however, that, as for the present, at least, the discussion on the policy of the Government had been closed, it would be for the interest of the country if without further delay they proceeded at once to vote the proposed increase in the number of men and the increased amount of the estimates.

The following votes were then *agreed to*.

(2.) 58,500 Men.

(3.) 2,192,671*l*. Wages.

(4.) 870,324*l*. Victuals.

House resumed; Chairman reported progress.

The House adjourned at a quarter after Two o'clock.

#### HOUSE OF LORDS,

*Tuesday, February 21, 1854.*

MINUTES.] PUBLIC BILL.—1<sup>st</sup> Law of Landlord and Tenant Consolidation (Ireland).

#### BARNSTAPLE ELECTION.

THE EARL OF SHAFTESBURY presented a petition from Viscount Ebrington complaining of the manner of trying Election Petitions, and praying that they may be treated in a more public manner. The petitioner stated that he was a candidate for the borough of Barnstaple at the last election, and was defeated by sixty-one votes, in consequence of abstaining from bribery and treating, both which means of securing their return were adopted by his opponents, Sir Wm. Fraser and Mr. Bremridge; that he undertook to carry on a petition against the return, but did not pray for the seat, because, as was shown by the

ponents of the Bill on its merits in detail; he would disprove the fears raised about the magnitude of the rate which would be required, and he could satisfy the discontent expressed with the proposed mode of election of the School Committees. But on the second reading principle only should be dealt with. Nor would he again attempt to open the subject from its first principles. He could assure the House that this question was not now to be opened; but that it was already concluded in the mind of every thinking man in the community. The noble Lord the Member for the City of London opened the whole question of national education last year; and he (Mr. Adderley) knew of no difference between the measure of the noble Lord and the present, save that the present went a little further. It provided free schools, for instance, while the noble Lord's Bill did no more than raise a rate in aid. There were three classes of theorists existing in this country with regard to education—the voluntary, the secular, and the denominational. The voluntary theorists asserted that no legislation was required, that private charity was sufficient for everything connected with national education. Indeed, they were not satisfied with the present state of things, but thought we had departed too far already from pure voluntaryism, and that we should return to our former position of an entire absence of all public grants for the purpose of national education. The secular theorists wished to have a common rate for the purpose of education, but that that common rate should not be levied except for purposes in which all were agreed. Religion they, therefore, excepted from the object of the rate; and proposed that merely secular instruction should be provided. The denominational party proposed that a rate should be levied and distributed amongst the existing schools, so that the educational foundation to which the country had become habituated might still be maintained and made more efficient. Now, for his part, he could not see the difference between a self-inflicted rate and a self-inflicted contribution, except that the one was general and the other partial. So much for the voluntary system. With regard to the two other theories, he thought he could show that the secular system was one so impossible in this country that it left little choice to that House but to adopt the denominational theory, or else leave the matter alone altogether. When the advocates of the voluntary sys-

*Mr. Adderley*

tem said, "Leave all to private charity," he (Mr. Adderley) partly agreed with them, and said to the Legislature, "Do not attempt too much." He thought too much had been attempted, and that distributions of grants for the purpose of advancing general knowledge and instruction had been pressed too much on the working classes, to the exclusion of industrial skill. The consequence was, first, the creation of a class unfitted for labour, and unprovided with any livelihood without labour; and secondly, the exclusion from the benefit of the public grant of the lowest class, for which it was mainly intended. Having made that admission, he could not go further with the voluntary theorists, as he believed experience proved that private charity would not accomplish all that was requisite. The principle of voluntary contributions had been tried for many years, and, if the House might trust the evidence laid before it by the right hon. Gentleman opposite (Mr. M. Gibson), it was freely confessed that it had entirely failed to fulfil its part. He (Mr. Adderley) was not one of those who deprecated gratuitous action for educational purposes, but he held that the free rate of a free community was the contribution of that community levied upon itself, and was little more in essential principle than a voluntary contribution—the only distinction that could be drawn between a voluntary contribution and a local rate being, that the one was fluctuating and the other permanent; that the one rested upon individuals, and that the other was spread over the whole community. The objection made by the advocates of the voluntary principle to the imposition of rates, upon the ground of so many different doctrines and creeds being taught which did not agree, went to the extent of an objection to any public system of education whatever, for no tax is levied for any purpose in which more than a majority agree. To pass from the voluntary to the secular system, he would observe, that the right hon. Gentleman the Member for Manchester was the advocate and spokesman of a body calling itself the National Public School Association. Now, he contended there was nothing more national in the composition of that association than in the body he represented. If the measure was to be esteemed national according to the extent of its acceptance and popularity, he thought their nationality would be, in relation to the nation, very much in the proportion of

the people of England. What did this body propose? That a rate should be levied for secular instruction, and that all religious instruction should be left to take its chance. Their argument was, that a common rate should only be levied for common purposes, and that secular instruction was the only part of national education that could be agreed upon by all. They, however, proposed to inculcate in the instruction imparted on their principle general morality, truth, humanity, justice, and universal benevolence. But how do they determine that morality is a matter of common agreement? We read in Clarendon's History of the Ten Commandments being put to the vote in this House, and carried only by a narrow majority. How, then, could they introduce even this much in addition to secular teaching? That the secular and the religious teaching could be separated, he fully admitted. Among the higher classes in this country the distinction was habitually recognised—they sent their children to be taught almost every branch of secular knowledge in courses of lectures reserving the religious instruction of their children to themselves. That was done not only in the higher, but the middle, classes in this country; and the principle was fully admitted in the whole system of the schools of design recently introduced into many parts of the country. In these there was a complete system of secular education in the department of design; but it would only lead the House and the public astray to suppose that such a separation could be admitted into any complete system of national education. It must be complete or not at all. In England it had been proved by experience that the lower classes were left so short a time in the primary schools that they had little time to do more than give the necessary religious instruction in the national schools, and as to trusting to the Sunday schools or the parents, they all knew there was no hope of anything effectual being done in those quarters, as to a very large proportion of the children of those classes. They had the evidence of the town of Manchester itself, and of the City missionaries, that the Sunday schools were wholly inefficient as a national provision for their purpose. The gentlemen of whom the right hon. Gentleman was the organ trusted to a model system introduced from the other side of the Atlantic. These gentlemen measured everything by the American model; if it

if it did not it must be rejected; in fact, they used the United States model as a sort of Procrustean bed, to which all propositions must be made to conform. They said that the denominational system had been tried in that country, and had failed, and that the secular system had superseded it. They said, also, that America had continued to be a religious nation, in spite of the secular system of education. Now, first these gentlemen misrepresented the existing state of things, and then they drew wholly false inferences. The denominational system never really existed in any country but in England, and it was never known in England till about sixty years ago. As to the effects of the secular system on the religious character of the nation, they had the conflicting testimony of two gentlemen upon that point: Mr. Tremenhore, on the one side, said that the secular system of education had proved fatal to the interests of religion; Mr. Twistleton, on the other hand, was of a different opinion; but it must be borne in mind that what they saw of the religious character in America was not the effect of the secular system of education now existing, but the remains of that highly religious national education which had been first established by the Puritan fathers of New England. But, at all events, it was clear that the secular system was unpalatable to the English nation. It involved the destruction of the existing schools, and a very uncertain fate for the interests of religion. If, then, this system were impossible in England, there remained only the denominational plan, identical in principle with the voluntary, but more efficient in practical result, to be adopted. He could not but think that a simple proposition such as he now made to the House, of forming in a borough a local committee, to whom the ratepayers could pay over their contributions, and having nothing to do with the system of education to be taught, but simply as bankers receiving the rates and paying them over, by a fixed regulation, to all existing schools, was more likely to be acceptable than any other proposition. He appealed to the right hon. Gentleman (Mr. M. Gibson) not to stand in the way of his own recorded opinions, that something in the nature of an education rate was necessary—not to deprive his constituents of what they wished for, and not to deprive the town of Manchester of the credit of taking

ponents of the Bill on its merits in detail; he would disprove the fears raised about the magnitude of the rate which would be required, and he could satisfy the discontent expressed with the proposed mode of election of the School Committees. But on the second reading principle only should be dealt with. Nor would he again attempt to open the subject from its first principles. He could assure the House that this question was not now to be opened; but that it was already concluded in the mind of every thinking man in the community. The noble Lord the Member for the City of London opened the whole question of national education last year; and he (Mr. Adderley) knew of no difference between the measure of the noble Lord and the present, save that the present went a little further. It provided free schools, for instance, while the noble Lord's Bill did no more than raise a rate in aid. There were three classes of theorists existing in this country with regard to education—the voluntary, the secular, and the denominational. The voluntary theorists asserted that no legislation was required, that private charity was sufficient for everything connected with national education. Indeed, they were not satisfied with the present state of things, but thought we had departed too far already from pure voluntaryism, and that we should return to our former position of an entire absence of all public grants for the purpose of national education. The secular theorists wished to have a common rate for the purpose of education, but that that common rate should not be levied except for purposes in which all were agreed. Religion they, therefore, excepted from the object of the rate; and proposed that merely secular instruction should be provided. The denominational party proposed that a rate should be levied and distributed amongst the existing schools, so that the educational foundation to which the country had become habituated might still be maintained and made more efficient. Now, for his part, he could not see the difference between a self-inflicted rate and a self-inflicted contribution, except that the one was general and the other partial. So much for the voluntary system. With regard to the two other theories, he thought he could show that the secular system was one so impossible in this country that it left little choice to that House but to adopt the denominational theory, or else leave the matter alone altogether. When the advocates of the voluntary sys-

*Mr. Adderley*

tem said, "Leave all to private charity," he (Mr. Adderley) partly agreed with them, and said to the Legislature, "Do not attempt too much." He thought too much had been attempted, and that distributions of grants for the purpose of advancing general knowledge and instruction had been pressed too much on the working classes, to the exclusion of industrial skill. The consequence was, first, the creation of a class unfitted for labour, and unprovided with any livelihood without labour; and secondly, the exclusion from the benefit of the public grant of the lowest class, for which it was mainly intended. Having made that admission, he could not go further with the voluntary theorists, as he believed experience proved that private charity would not accomplish all that was requisite. The principle of voluntary contributions had been tried for many years, and, if the House might trust the evidence laid before it by the right hon. Gentleman opposite (Mr. M. Gibson), it was freely confessed that it had entirely failed to fulfil its part. He (Mr. Adderley) was not one of those who deprecated gratuitous action for educational purposes, but he held that the free rate of a free community was the contribution of that community levied upon itself, and was little more in essential principle than a voluntary contribution—the only distinction that could be drawn between a voluntary contribution and a local rate being, that the one was fluctuating and the other permanent; that the one rested upon individuals, and that the other was spread over the whole community. The objection made, by the advocates of the voluntary principle to the imposition of rates, upon the ground of so many different doctrines and creeds being taught which did not agree, went to the extent of an objection to any public system of education whatever, for no tax is levied for any purpose in which more than a majority agree. To pass from the voluntary to the secular system, he would observe, that the right hon. Gentleman the Member for Manchester was the advocate and spokesman of a body calling itself the National Public School Association. Now, he contended there was nothing more national in the composition of that association than in the body he represented. If the measure was to be esteemed national according to the extent of its acceptance and popularity, he thought their nationality would be, in relation to the nation, very much in the proportion of



might bring in Bills relating to particular localities. The hon. Member for North Staffordshire had followed a course entirely different. He had brought in his private Bill in the first instance, before that House had expressed any opinion as to the principle on which a national system of education should be founded, and upon that had asked the House to come to a decision. Surely the House would never consent to deal with a great question of public policy in such a way as that. Suppose he brought in a Bill to enable a particular town to adopt the vote by ballot—should he not be told that Parliament had not yet assented to the principle of the ballot, and that the secret vote was properly a subject of public and not of private legislation? It was not necessary for him to go into the merits of this Bill; he took his stand upon the principle that it would be inexpedient to make matters of general public policy still in dispute the subject of private legislation. He appealed to the right hon. Gentleman in the chair, whether this course would not be extremely inconvenient? At present the hour between four and five o'clock was devoted to private Bills; but, if measures adopting public principles not yet assented to by the House were introduced as private Bills, the debates upon them would supersede all other debates and set aside the general business of the House. The Bill of the hon. Gentleman had never appeared in the House before, but now it had jumped to a second reading. If it had been introduced as a public Bill, the hon. Gentleman must have asked for leave to bring it in, and would thereupon have been obliged to explain the provisions of the Bill. The hon. Gentleman said, he would consent to its being made a public Bill. But here the question arose, could it be made a public Bill, or would the House suspend its Standing Orders, to meet the convenience of the hon. Member? Supposing the Bill was read a second time, it would be sent to a Select Committee, and counsel and agents would be heard on the preamble. What was the preamble of the Bill? The preamble was its principle—the principle upon which a national system of education in England was to be founded; and so they would have paid advocates discussing, in a Select Committee of that House, such questions as liberty of conscience and the propriety of teaching all forms of religion. Where were the precedents for such a course? He knew of none. If the hon. Gentleman really

wished to deal with the question of national education, he should have asked leave to bring in a national measure, and so given the House an opportunity of discussing its principle in the ordinary way. The noble Lord the Member for the City of London (Lord J. Russell) had told them he himself contemplated a measure of national education, and Earl Granville, President of the Council, was about to introduce a measure to provide for the education of destitute and pauper children. He trusted the House would, therefore, wait to see what kind of Bills the Government would submit, before they gave sanction to the scheme of the hon. Member for North Staffordshire, a scheme which was denounced in the petition of the Corporation of Manchester as ill-timed and uncalled-for. That petition prayed the House to defer legislation upon this subject until some general measure was proposed by the Government. They also presented that it was unreasonable to expect them to incur a heavy and unnecessary expenditure in opposing, before the Committee, a local Bill of this description, in the principle of which other communities were equally interested. The unanimous opinion of the Corporation was that any measure which professed to deal with the subject of education should be a general and not of a special or local character, and should be prepared by, and be the responsibility of, the Government. It was right, perhaps, that he should read the statement of the hon. Gentleman's past proceedings in this matter. Not long ago a private Bill was introduced so many years ago upon the same subject, and the objection that he now took, that it was not a fit subject to be dealt with by a private Bill, was urged by the right hon. Member the Chancellor of the Exchequer, and, he believed, by other gentlemen of great experience. The House came to an opinion that it partook of the character of general public policy, and, in reading it a second time, appointed a Select Committee, but a Public Bill, to inquire into the general subject of education. He had the honour to be a member of that Committee, and they reported, because the members, he supposed, could not agree upon any opinion or evidence. Of course, the Government having reported, he could not express any other opinion but his own, and that was that the measure then proposed was different in many respects from

the lead in this great question. He asked the right hon. Gentleman and his Colleague, and the hon. Member for the West Riding of Yorkshire (Mr. Cobden), how they could show their faces in Manchester if they tried to obstruct his plan, and produced no counter-proposition of their own. He would also appeal to the noble Lord (Lord J. Russell), whether, having shown an inclination to deal with the subject, he would now suffer the proposition he had the honour of bringing forward to be rejected. Would he reject his own offspring, so brought back to his arms by the care of a foster parent? He would ask the noble Lord whether he was going to sanction the laying down of a general rule that no measure for the imposition of rates could ever be dealt with by any private Bill? Why, he had just allowed the Middlesex Magistrates to introduce a private Bill for rating their county for reformatory schools. He might be told that it would be better to wait and see what was the nature of the Education Bill which the Lord Advocate was about to bring in for Scotland; but was the principle of that Bill to be based upon the sentiment attributed to the Lord Advocate, that, rather than mathematics should not be taught at public schools Christianity should be excluded? He defied hon. Gentlemen opposite to throw out the second reading of this Bill for the sake of an abstract proposition, and at the same time to maintain their credit with the country, as sincere in their professed ardour for national education.

Motion made, and Question proposed—  
“That the Bill be now read a Second Time.”

Mr. MILNER GIBSON said, it was his confirmed opinion that education, to be supported by public rates, was a subject which ought not to be dealt with by a private Bill. He concurred with many of the remarks which had been made by the hon. Member for North Staffordshire as to the motives of the promoters of this measure. He believed they had acted from disinterested motives, and with a sincere desire to do some public benefit, and that they deserved well of the neighbourhood in which they resided. But the question for that House to consider was, whether they could deal with the subject of national education—a subject of high public policy upon which Parliament at present had pronounced no clear and definite opinion—by adopting the system of what

was called private legislation. He believed it was an abuse of private legislation to resort to it in connection with such a subject, and that it was never intended, as the forms of that House would show, that such matters as national education and constitutional reform should be introduced in the shape of a private Bill, which could not have the advantage of those full and deliberate Parliamentary discussions which public Bills necessarily had. He gave the hon. Member full credit for his zeal in the cause of education; but he must say he could have wished him to have tried his legislative powers upon Staffordshire rather than upon Manchester and Salford. The hon. Gentleman, being the representative for North Staffordshire, came forward and proposed to educate by a special law the people of Manchester and Salford. He proposed to commit the House, in order to get that special law passed, first of all to what he called a principle of national education. Now, he (Mr. M. Gibson) asked, were the Government and the House prepared to commit themselves to a principle of national education by means of a private Bill? The hon. Member not only asked for a special law for the purpose of educating the people of Manchester, but he proposed to put a rate upon the inhabitants—to add considerably to the poor-rate—for the purpose of teaching all the various forms of religion, and for carrying on a system of education which had been proved to be defective. On the other side, he and his hon. Colleague came forward as the representatives for Manchester, expressing, as they believed, the feelings of the great body of the ratepayers, inasmuch as they appeared there armed with the authority of an unanimous vote of the corporation, who protested against the scheme, and prayed that House not to pass it into law. Now, if the House agreed at all to pass a measure imposing rates upon a particular locality, it should only be on the ground that the measure was called for by the inhabitants of the district. Here they had the very reverse. The people of Manchester, speaking through the municipal council, opposed the measure altogether, and declared they would have none of it. If that House was prepared to deal with the subject of national education, it should in the first place decide upon the principle on which a national system should be based, and then, having adopted a broad and comprehensive resolution of that description, private Members

*Mr. Adderley*

tary efforts, thought no legislation necessary, and objected to levying rates altogether—who told the Committee, and endeavoured by witnesses to prove, that voluntary efforts were producing immense results, and would provide an adequate remedy for the want of education throughout the masses of the community. There were two other parties, the one advocating this scheme, the other what was called the national scheme, who agreed up to a certain point, but there widely diverged in opinion—who agreed in the statistics as to the deficiency of education, who agreed as to the cause of that deficiency, and who agreed that the remedy to be applied must be by local rates, either as a substitute for, or in aid of voluntary funds, but diverged when they came to the application of those funds; and he confessed he saw with regret, notwithstanding the time the Committee sat, no approximation towards an agreement of those parties, by giving up their extreme views and meeting on some common basis, on which they could join in recommending a Bill to Parliament. With these difficulties, being extremely unwilling to do or say anything in the slightest degree to deprive Manchester of the benefit of the exertions of those gentlemen, to whom too great praise could not be given, he at the same time felt it was very desirable some other course should be taken by which their object might be obtained, consistently with the proper forms of that House, and not only consistently with the forms of the House, but in a manner which would be more conducive to the general diffusion of the advantages of such a Bill than would otherwise be likely to be conferred upon the country. He should have been glad to have heard from Her Majesty's Government the course they would take on this subject. It was, no doubt, a very wise practice for Government not to take any part in merely local measures; but this was an exceptional case, and he thought his noble Friend (Lord J. Russell) who had paid great attention to the subject of popular education, might, with great advantage, suggest to the House the course he thought it expedient for them to take on the present occasion. The only suggestion he should make would be, that this subject should be dealt with in a public Bill *ab initio*, not a private Bill, only applicable to Manchester, but a general and permis-

sive Bill, embodying the principle of this measure, and, as in the case of the Baths and Washhouses Act, enabling a certain portion of the ratepayers to apply it to any particular locality, without coming to Parliament for any fresh powers. If his noble Friend held out a hope that such a scheme would be taken up by the Government, or if the hon. Gentleman (Mr. Adderley), who seemed to be master of the subject, adopted the suggestion, he should certainly give it his cordial support, considering, as he did, that it would be unfair to get rid of the Bill altogether by merely declaring it ought not to be dealt with as a private Bill. With regard to the objection strongly urged by the right hon. Gentleman the Member for Manchester, as to the opinion of the town council of Manchester, that had no weight whatever on his mind. That petition did not refer to the merits of the Bill, but simply to the question whether it was public or private; and of that question he thought that House more competent to judge than the town council of Manchester.

Mr. NAPIER said, he could not help feeling that Parliament was in a humiliating position with respect to this great question of education. It was one which the Legislature must grapple with, and it was their duty to consider it promptly and fairly, and to come to its consideration in a proper spirit, prepared to make mutual concessions for the sake of attaining a great object. Sooner or later, he repeated, Parliament must grapple with the question, which undoubtedly was one of considerable difficulty. The supporters of the present scheme, finding year after year that no general educational measure was brought in, tried to obtain one for their own town. They brought in a Bill for the purpose, in accordance with the rules of Parliament, and were now told that the subject was not proper for a private Bill. They had consequently expended a great deal of money and time in carrying on the scheme, and it would certainly have been more honest and straightforward to have saved them this, and told them at the outset that the Bill, as a private Bill, would not be allowed to pass. It was not proposed to introduce a new system, but only to take up the system which was now supported out of the national funds; and if that system was wrong, they had no right to apply the national funds in its support. The people of Manchester were an intelligent and spirited community, and were anxious to see among the working classes greater means of edu-

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cation than existed in other parts of the country. When, therefore, the great body of the ratepayers came forward with a local measure, he thought it would be a dereliction of duty, if they turned them back upon a mere formal matter to wait until the general measure of the Government was presented. He felt it his duty to do everything to assist them in their laudable object. They did not ask for assistance out of the public funds, and their request ought to be attended to. He quite agreed with the right hon. Baronet (Sir G. Grey) that the opinion of the town council ought not to have any weight with that House, seeing that they were not elected with reference to education. There might be peculiar circumstances in Manchester to render a particular measure necessary, and if the principle were a good one, it was not a fair objection that the Bill only applied to one town. The education of the humbler classes was the most important object which could engage the attention of Parliament. In communities such as those of our large manufacturing towns, where and how could the children of the working classes have a proper education? Yet those classes, by their toil and labour, created all the wealth of these communities, and were fairly entitled to expect that some care should be taken as to the education of their children.

Mr. G. E. H. VERNON thought that one of the arguments of the right hon. Member for Manchester told against himself. The Member for Manchester said that where an attempt to introduce a public measure had failed, it was absurd to bring in a private Bill. He (Mr. Vernon) would say that the failure of the attempt to introduce a general measure was a strong reason for the introduction of a local Bill. His hon. Friend the Member for Warwickshire, whose zeal in this matter could not be too highly commended, had stated that 40,000 ratepayers were in favour of a measure of this kind. The necessity for doing something for the moral training of the children in Manchester was patent and obvious to all who had ever made it their business to inquire into the condition of that city. He (Mr. Vernon) had had no intention of speaking on this question, but, thinking that they ought to give effect to the earnest efforts which were made to apply a remedy to an admitted evil, he had risen on the spur of the moment to tender his support to the second reading of the Bill.

Mr. WIGRAM said, that if he agreed with the Bill in its principles and details



he should support it, and he should not deprive Manchester of an important measure on the mere technical objection that the Bill ought to be dealt with as a public Bill. But it was impossible to treat the Bill as a mere private Bill, and so read it a second time, without considering the principles involved in it; more especially impossible for this reason, that they could not but be aware, if this Bill was passed, it would become a great public precedent for the large towns throughout the country. If the principle was one of which he could approve, he should vote for sending it to a Select Committee, to see if it could be adopted in Manchester; but if it contained that of which he could not approve, he would not send it to a Committee at all. The important question was, whether the principle was a good one. They had now existing an extended system of public education, which everybody knew had conferred great benefits on this country. He believed that in the last thirty years the amount of education had risen from 1 in 17 to 1 in 8. That system, too, had conferred great benefits without disturbing the peace of a single family, had worked in perfect unanimity with the feelings of the people, and produced no unkind rivalry between schools established by members of the Church of England and by Dissenters. He said, then, whatever they did, in any measure of education they introduced, they should beware of deranging a system which had effected so much, and of disturbing that spirit of peace which so happily prevailed. He doubted much whether it was possible ever to introduce into this country a system for supporting education by common rates which would not interfere with the existing harmony, and he would beg the right hon. Member for Manchester (Mr. M. Gibson) to bear in mind that that large class of the people who took a deep interest in religion, would strongly object to all rates for supporting any system which did not combine with it religious instruction. Now, so far from promoting the present system, this was a Bill which must destroy it. The framers of this measure conceived truly that, if they introduced their proposed system, it must be a part of it, that every school which received the benefit of the rate should be a common school, open to every inhabitant of the town to send his children to it. But it was perfectly well known that the great body of existing schools were supported by parties who assisted the poorer classes in educating their

children religiously. The schools of the National Society required them to be educated in the principles of the Established Church. The schools of the British and Foreign Society required that Christian principles and the Scriptures should be taught in them. Well, but the religious principle of all the existing schools would be subverted by this Bill: For, in order that all the schools aided from the rate might be common schools, the 45th clause was introduced, and that clause provided that no school should have the benefit of the local rate that made any distinctive religious creed an essential of their school. [Mr. ADDERLEY: No, no.] But it was so: the clause would have this effect. To give an illustration: Where a Christian school was established by Christian people who wished the children to be instructed in their views of Christianity, should the school take the benefit of the rate, and a Mormonite, residing in the place and having, therefore, a right to send his child there, objects to their teaching his child Christianity, unless Christianity was surrendered that school could not partake of the benefit of the rate. He defied any one to say that was not the effect of the clause. Now that was the clause on which the whole Bill hinged. In order that every school should be a common school, that all the population should have the right to send their children, any parent was to be allowed to prohibit the teaching of any distinctive religious creed to his child. That principle was a necessary part of this Bill, and it must deprive of the benefit of the rate that great body of schools which considered religious instruction an essential part of their system. The probable consequence would be that the schools would be ruined. He wished to call attention to another very important clause of this Bill, which he regarded as most objectionable. The framers of the measure, knowing that the National Schools were all subject to a trust that the children committed to their care should be educated according to the principles of the Church of England, and that other schools were bound by like trusts, and that their conductors would consequently be bound to say, "We will not take assistance from the rates upon the terms on which it is offered," proposed, by the 37th clause, that no trustees or managers of any schools should, by placing such schools in union with the Committee appointed under the Bill, be deemed by any court of law or equity

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to have committed a breach of trust. He thought that one of the most objectionable provisions ever attempted to be introduced into an Act of Parliament. Here were schools founded on certain trusts, which required that the children should be educated on religious principles, to which the subscribers never would have contributed but on those principles; and yet the major part of the trustees were to be authorised to put them into connection with this new system by which they would be bound to receive children, and, if the parents required it, withhold any distinctive religious teaching. He would earnestly concur in any measure which should steer through the difficulties involved in the subject, but he could not support this Bill, involving these grave violations of principle; and, objectionable as it was to throw the Bill out by the terms of a Resolution in which he could not say that he entirely agreed, yet, if a division were taken, he should certainly vote in opposition to the second reading.

MR. HUME said, this debate showed the vast importance of this question being taken up by the Government, in order, if possible, to remove the difficulties with which it was surrounded. He could also add his testimony to that of the hon. and learned Gentleman who had last spoken as to the great progress education had made in this country during the last thirty years; but its present state ought to point out to the Government that the existing system could not provide that general education which was now required. Something was wanted to make the system more general, and the Government must undertake to lay down such principles and rules as they thought would be generally applicable to the community. He was, therefore, disposed to agree with the right hon. Baronet (Sir G. Grey) with his view of the question. The hon. and learned Gentleman (Mr. Wigram) had alluded to the great obstacle to the spread of education in the necessity for teaching religion; and he (Mr. Hume) believed that they would never overcome that difficulty, unless the Government laid down rules for secular education, without interfering with religious classes. He thought that education ought to be general—that it ought to be secular—giving to the schoolmaster the schoolmaster's peculiar duty, and leaving the duty of the clergy to be discharged by the clergy themselves. They ought not to impose upon the schoolmaster the double

*Mr. Wigram*

task of teaching the rudiments of education and the rudiments of religion at one and the same time. He thought that the giving secular education was the only way of putting an end to these never-ending contentions which prevailed among religious sects. He was further of opinion that education ought to be provided by means of a public rate upon the whole property of the country. He held it to be as imperative a duty to educate our children as to relieve their physical wants. The law would not allow that any individual should starve—it provided against that by the imposition of a rate; and was it not equally important, nay, was it not more important—that they should provide the means of training them and of implanting in their minds those proper principles which education only could impart, in order to protect their own property, in order to protect their own persons, and to render every individual born and brought up in the State capable of properly performing his duties as a citizen? At present our people grew up utterly incapable of performing properly even the most ordinary public duties, and yet the law cast such duties upon them. He did therefore most earnestly entreat Her Majesty's Government, as he had never ceased to do for the last twenty-five or thirty years, during which he had been an active supporter of the Lancasterian system, to bring forward a measure which would put an end to the existing difficulties, and give our population the benefit, not of instruction in reading and writing merely, but of that in which he should have infinitely more confidence, a real and effective training. By neglecting to do this they were doing a great injury to the State, for as matters now stood we were bringing up a nation of ignorant individuals open to all the temptations of vice and crime; and the result was, that our prisons were filled with criminals, whose offences might be traced in a very great degree to their not having been properly trained in their youth. He did therefore entreat the noble Lord (Lord J. Russell) not to allow a measure of this kind to pass, but to propose a general measure, which should meet at once the difficulties of the question, and should be applicable, not only to Scotland, with which it was, he understood, proposed to deal, but to this country also.

LORD JOHN RUSSELL: Mr. Speaker, I have been asked several times in the course of this discussion to state what is



my view with respect to the question which is now before the House. I am, Sir, about to comply with that request, although I am afraid that my view will not be of much use to the House in guiding it to a decision upon this subject. It seems to me that there are difficulties insuperable with respect to the proposition which is now before us. The hon. Gentleman (Mr. Adderley) who brings forward this Bill is entitled, I think, to great credit for having undertaken that task. Still more credit is due to those gentlemen in Manchester who have gone on, year after year, bestowing great labour and much of their time in endeavouring to bring to perfection a scheme of education which might be for the benefit of the community, and especially for the benefit of the poor of that city. Sir, I am sorry to think that the forms of this House should interpose any difficulties in the way of accomplishing so laudable a desire. But it is evident, in the first place, that if the society or association who are the promoters of this Bill had taken what appears to be the natural course, and attempted to introduce it as a public Bill, they would at once have been stopped; that you, Sir, would have interposed your authority, and would have stated that the provisions of the measure being applicable to Manchester alone—it being a measure for the education of the people of Manchester, and not in any way extending to any other part of the country—it could not be permitted to be proceeded with as a public measure. Then, Sir, it having been introduced as a private Bill, I must confess I think that the resolution of my right hon. Friend (Mr. M. Gibson), “That education to be supported by public rates is a subject which ought not to be dealt with by any private Bill,” is, in itself, an abstract proposition which the House ought not to support. It seems to me that if the members of any community are satisfied that there would be great difficulty in carrying any general measure applicable to the whole country, and that the order, the morality, and the welfare of their own community would be promoted by a Bill allowing them to raise rates for the maintenance of a system of education, the House, I think, ought not to interpose any obstacle to their obtaining that object. But, Sir, the difficulty here is, that the community of Manchester are not agreed in reference to the merits of this scheme, and this appears to me to be the real objection to proceeding with the Bill. The

objection of the dissentients is, certainly, put in this form—that they do not think that the question should be dealt with by a private Bill; but the obvious meaning of the objectors is, that they do not think that they ought to be obliged to enter into the details of this Bill, or to oppose it, in whole or in part, at their own private expense, but that the measure, if brought forward at all, ought not to be applicable to Manchester alone. Now, if the community of Manchester generally had said, “We want a Bill of this sort; we think that it would be a great benefit to Manchester; the number of those who are opposed to it is very small; will you allow us to vote some of our own money, to be raised by rates among ourselves, to purposes of education?”—I should have been one of the last persons to prevent their having that measure. But a resolution has been passed unanimously by the town council, representing the ratepayers of Manchester, and requesting, in effect, that the House will not proceed with the measure. Now, Sir, with respect to the measure itself I do not wish to enter into details, because I think the details, if it were a public measure, might be subject to any amendment or improvement that might be suggested; but I confess that I see, with respect to one part of the measure, very great difficulties. I allude particularly to that part of it to which the hon. and learned Gentleman the Member for the University of Cambridge (Mr. Wigram) has referred. The present system on which this Bill professes to be founded is a very intelligible system. Each religious denomination—the Established Church, the Protestant Dissenters, the British and Foreign School Society, and the Roman Catholic Association—all in their several degrees have founded schools, have contributed their own money to the support of those schools, have laid down their own rules of management, and have appointed persons of their own communions to conduct them from time to time, and to take care that those rules of management are not infringed. This being done, the Government and the Legislature have stepped in, and have said, “As you are agreed in your general system of education, and as you support that system with your own money, we will contribute such sums from time to time as will enable you to improve the character of the education you give, and to perform the better the task which you have undertaken for yourselves, and

we will provide for a general inspection of your schools, in order that you may be able to raise them to the height of the very best-conducted schools in this country." This system you may call an imperfect system. It is not such as any one, laying down a theory of national education, would propose as the best that could be devised; but it is a very intelligible system, it is a very practical system, and it is a system which, by experience, has been found to extend the amount of education, and to improve its character in a very great degree. But according to this Bill, as I understand it, the ratepayers are, by means of a Board which they are to establish under the measure, to undertake to pay the whole expense of the schools. They are to become free schools, and they are likewise, one and all, to be obliged to admit persons as pupils, who do not conform to the rules, with respect to religious teaching which the several managers have laid down by the different religious communities. Still it is proposed to be provided, that the schools shall continue under the same management as heretofore. Now, it seems to me that there will be great difficulty in carrying out that system. I can understand that men may devote themselves with great satisfaction to the management of schools, to the funds of which they have contributed their 1*l.*, or 2*l.*, or 5*l.*, or 10*l.* every year. I can understand their saying, "We have founded these schools in conjunction with some of our neighbours who agree with us in opinion." Whether they be members of the Church of England, or Dissenters, or whatever else they may be, I can understand their saying, "We are agreed as to the rules by which these schools are to be governed, and we will attend them from week to week, and from month to month, to see that they are perfectly conducted according to that system which we conscientiously believe to be the best;" but when you say that these persons shall no longer contribute their money, and that the rules which they have laid down as the best shall be open, in particular cases, to exceptions, it seems to me that they will cease to take the interest which they have taken hitherto—that they will cease to perform from week to week that duty of superintendence which is now a labour of love—and that you will, therefore, no longer be able to depend on their continued attention to the management of the schools. It appears to me, Sir, therefore, that, upon that part of the

*Lord John Russell*

subject, there would be great difficulty in carrying out the very laudable object in view. My right hon. Friend the Member for Morpeth (Sir G. Grey) has suggested that a permissive Bill might be introduced, in the nature of a public Bill, to permit committees to set up schools according to one system, or according to several systems. Well, Sir, if there is a desire in Manchester to establish schools of that kind, I think that such a measure would be better—seeing the objection made by the town council—than urging any further progress in the Bill before the House. I am afraid it will be long before we shall be able to realise anything like a national system of education, in which there shall be anything like uniformity. My hon. Friend the Member for Montrose (Mr. Hume) appears to think that there is no difficulty in the matter which might not easily be got rid of by a very simple exercise of the powers of the Government. He says, that if the Government would only make up its mind to such a system as he proposed, for the establishment of schools for secular education over the whole country, leaving the religious teaching to the clergy, and to the ministers of the different denominations, the question might be settled at once. I think, in the first place, that there would be great objections, on the part of this House, to entertain such a proposal; and I think, in the second place, that even if this House could be induced to assent to such a scheme, there would be great repugnance on the part of the country to adopt it. Sir, I have never been able to persuade myself that that secular scheme, which seeks to get rid of the religious difficulty, would be suited to the people of this country, or that we should be acting in conformity with our duty in endeavouring to promote it. It seems to me that religion is a thing not apart from, but connected with, secular instruction, and that it is one of the very first things which, in teaching the poor of this country, you ought to teach, because by so doing you will be teaching them what they are to do in their progress through life; and if you instruct them simply in reading and writing, in geography, and history, and arithmetic—if you do not tell them what their duty is—if you do not make them understand the obligations which they owe to God and man—you do not perform the office you have undertaken, and leave the work of education incomplete. I think the notion that one part of this work may

be left to the schoolmaster, and the other to the clergyman or minister, is a very unpractical one. It is impossible that the clergy, or the ministers of any other denomination, can have time, without becoming schoolmasters themselves, to attend daily at the school, and to give the sort of instruction which is contemplated. I see, therefore, not only great difficulty, but great objection, to the introduction of such a plan. It has been stated, that there are three systems of education—the voluntary, the denominational, and the secular, at present before the country; and that the selection and adoption of any one of these systems would get over the difficulty. But every one of these plans is full of difficulties of its own. The denominational plan is subject to many difficulties, which are hardly got over even in the plan at present entertained, of giving grants of public money; and when you come to impose a compulsory rate, you will find those difficulties increased tenfold. I will put the case of a parish where the inhabitants are chiefly Churchmen, or where the Dissenters are not so numerous as to justify the establishment of a separate school on their own account. In that case what are you to do? Are you to establish a school according to the National plan, in which every child is required to go to church and to learn the catechism? Would the Dissenter not think it hard to be required to contribute by a rate to the maintenance of the school under such circumstances as these? Then, again, there are a number of Roman Catholics in the country, whose opinions would hardly be satisfied unless separate schools for Roman Catholic children were established; and, on the other hand, there are a great many Protestants to whose feelings it would be very repugnant to pay rates for the support of Roman Catholic schools. The difficulties, indeed, are so numerous that I might occupy some time in stating them, but I only wish it to be understood that it is not from mere neglect upon the part of the Government that the difficulties laid in the way of the settlement of this question have not been removed, and that there are really grave reasons why we should pause before we attempt to introduce and to carry out such a system as that to which I have referred. Before I sit down, I wish to say that I have been misapprehended with respect to something that I said on a former occasion on the subject of education in Scotland. What I

said was that it was absolutely necessary to legislate upon that subject; that a Bill would be introduced by my right hon. and learned Friend the Lord Advocate, and that an opportunity would be afforded for ascertaining the opinion of the House, on the discussion which would take place upon it. I did not say that I should be prepared to recommend the extension of the same measure to England, because a plan which might be very suitable for one country might be very unsuitable for the other. The result, therefore, to which I come is this. I think that the House can hardly, in the face of the strong protest against the passing of a private Bill upon this subject on the part of the town council of Manchester, put the people of Manchester to the expense of going before a Committee. I think there is a great deal of good in this Bill, and that it is a most praiseworthy attempt, but I think we must pause some time before any general and uniform system of education can be successfully carried out.

MR. J. G. PHILLIMORE said, he must express his dissent from the observations of the noble Lord on the subject of secular education. He thought it quite possible that secular education might be given to persons holding different religious views; for there might be many religious differences which would not affect secular education in any degree whatever. He regretted, therefore, that the noble Lord should have put forward this argument at a time when the evils resulting from a deficiency of educational means were so generally felt and acknowledged. He trusted he might not be misunderstood. Nobody had a higher sense of the importance of religious education than himself; but, in the first place, he thought that religious education must be a domestic education; and, in the next place, he believed that the experience of our public schools confirmed him in that opinion—that it must be received in the home of the parent in order to be of any practical value. The argument of the noble Lord was this—that the Government would not plough the ground and render it fit to receive seed until they knew what seed was to be thrown into it; whereas his argument was, that they ought at once to plough it and prepare it, and then it would be ready to receive seed at any time. His opinion was strongly in favour of the second reading of this Bill, and he thought the House would be doing an injustice if it refused to

vote it. What were the arguments by which it was opposed? The evil was admitted. It was admitted, also, that Manchester was a place where increased means of education were required; but the Bill was opposed on one side of the House because it was introduced by a Member for Staffordshire instead of a Member for Manchester, and on the other side because it was said some form of the House stood in the way of its progress. He should, however, vote for the second reading, because he thought that reasons so trivial as these ought not to stand between the Legislature and the application of a remedy to an admitted evil.

MR. W. J. FOX said, that his main objection to the Bill was its tending to establish, to prolong, and to extend what he considered a highly inefficient system of education. He should care little if the education of the people could be promoted by the Legislature, whether it were done by public or by private Bill; but in case of its being attempted by private Bill, he thought two requisites were quite essential: one was, that the system proposed should be acceptable in the locality to which it was to be applied; the other, that it should be sound in principle, and of such a nature as that House would be ready to adopt with respect to the country at large. Now, as to the acceptability of this Bill in the locality to which it especially referred, he knew, as a Member of the Committee which had sat upon this subject, that there were a great number of persons in Manchester who had devoted themselves in a most exemplary manner to a consideration of the state of things which formed the foundation of the measure, and who believed that they had found in it an appropriate remedy. He cordially joined in the praise which had been bestowed upon the individuals from whom the measure emanated, but he could not forget that there was also another party in Manchester who had bestowed time and pains and expense upon this subject, whose intentions were equally good, and whose zeal was equally honourable, and who had preceded in their exertions the parties who had originated this measure. He thought that they were entitled to praise as well as the other party, and that it would ill become that House to give a triumph to one class over the other, and to subject those whom, after all, the majority of the people of Manchester would be most probably inclined to support, to be rated for the support of a system which

*Mr. J. G. Phillimore*

did not stand foremost in their estimation. The object of this Bill was to extend the denominational system — a system which was utterly incapable of realising the advantages of a thoroughly national education. They were told that the people of this country were religious, and that their inclinations led to favour an education which bore a religious character. No doubt this was so; but did any man's religious feeling lead him to desire an education which should bear the impress of a religion which he might believe to be erroneous and pernicious? Did the religion of the Trinitarian lead him to desire to establish what he deemed the Unitarian blasphemy? Did the religion of the Unitarian incline him to support an education which would advance what he sometimes called the Trinitarian idolatry? Did it incline the members of a Protestant community to be rated to establish the worship of the Virgin, or the Catholic to be taxed for the support of what he regarded as the fatal Protestant schism? No man's religion could go that length; and he could imagine no man who could really wish to endow religious schools of every sort and kind, going beyond the bounds of orthodoxy, beyond the bounds of heresy, beyond the bounds of even Christianity itself, to whatever was called religion by any set of people, however wild in fanaticism, however gross in superstition, and applying public rates to the support of that system? What had the existing system in this country done for the people? Its effect was scarcely perceptible in the state of our gaols, except that it gave us criminals who had been to school, instead of criminals who had not. It was far otherwise in Ireland, where an admirable system had been established, which, without neglecting religion, recognised the necessity of that intellectual development and that general knowledge which made religion all the more valuable, when introduced into the mind. Education was desired as a barrier against crime; the prison returns, up to the latest dates, would show how utterly it had failed, as now conducted in this country, to construct that barrier. It was destined to prepare the population for the duties of life, yet of the 300,000 persons who were married last year no fewer than 117,000 could not write, and were obliged to indicate their names on the marriage register by a cross. The fact was that it was felt, under the present system, that there was scarcely time enough to teach the children religion, and



the result was that they were taught little, and that the value of the religious teaching was impaired, because it was not accompanied by a corresponding training of the intellectual power, and by the formation of the general character. He would invite the attention of the Government, not to either of the systems alluded to by the noble Lord, but to a fourth, which was worth them all. It was proposed by the Bishop of Ossory, who suggested that the Government should send inspectors to the different schools to estimate the number of pupils who were properly instructed in a certain course of sound secular teaching, and should remunerate the teachers accordingly, having nothing further to do with the management of the schools, but leaving them to be purely secular, or as religious as the managers might please, open to all or exclusive to the Church, or to any particular denomination. None would admit more readily than he that religion was a vital part of education, but, at the same time, he affirmed that it was a part with which Government and local rates could have nothing to do. The schoolmaster would, at best, make but a very imperfect religious teacher, and this imperfect teaching he would be substituting for that sort of work which he was able to perform with credit to himself and advantage to the community. On these grounds he could not vote for the second reading of the Bill, and he thought the House should not let it go beyond the present stage.

SIR JOHN PAKINGTON said, he must, at the outset of his remarks, express his very deep dissatisfaction at the speech which he had heard that evening from the noble Lord (Lord J. Russell); and he must at the same time, also, express his regret that the noble Lord had left the House in the midst of a most interesting discussion on the great subject of the education of the people, brought before Parliament for the first, and perhaps the only, time during the present Session. He could not forbear from saying that the noble Lord would have done no more than his duty had he remained present to listen to the expression of their opinions by the different Members of that House. When, indeed, he looked at the state of the Treasury benches, and when he beheld the Government so neglectful of the pressing and important question under discussion, as not to be represented by a single Member of the Cabinet, he thought he might receive it as a remarkable proof of the per-

fect carelessness with which Her Majesty's Ministers were disposed to regard the question of education during the present Session. He did not care one iota whether the Bill was a public or a private Bill, but he did care very greatly for its contents and its principles; and he did hope that a Bill so important in its objects, and so legitimate in its principles, would not be pushed on one side by a petty dispute as to whether it ought to be considered a public Bill or private Bill, according to the forms of Parliament; and he did think that the right hon. Gentleman the Member for Manchester (Mr. M. Gibson), the mover of the Amendment, had been long enough in Parliament to know that by the rules of the House a Bill which was local in its character, and which sought by local means only to effect its objects, could only be introduced as a private Bill. On this ground, therefore, no complaint could be urged against the promoters of the Bill, for everything had been done by them in the frankest and fairest manner; and if the House would read the Bill a second time in its present form, they would in all its future stages proceed with it as a public Bill. Now what was the principle of the measure? Why, that education ought to be universal—that education ought to be religious; but, at the same time, that that religious teaching should be conducted upon the fairest and most tolerant principles. On that account he was prepared to give the Bill his most unhesitating and cordial approbation, and he considered that, without exception, it was the most important measure upon the great question of education ever yet submitted to the House of Commons. But it acquired tenfold importance from the extraordinary part which Her Majesty's Government had taken with respect to the question. For when they took office last year they held out education—and, in his opinion, most correctly and justly so—as the grand requirement of the age; they held it out as the great object for which they wished to provide. Well, following out their professions, Her Majesty's Government introduced a Bill to provide for the education of the country generally; but their Bill was never even carried to a second reading. The Bill which they were now discussing after it came out from the hands of the Select Committee—

MR. BRIGHT: It never was before a Select Committee at all.

**SIR JOHN PAKINGTON:** Well, after your Committee had done discussing it.

**MR. MILNER GIBSON:** The Bill to which allusion had been made was not the present one, which had never gone before a Select Committee at all, and the Committee was a general Committee upon the general question of education in Manchester and Salford.

**SIR JOHN PAKINGTON** said, he was quite aware of all that; but the right hon. Gentleman knew that he himself in 1852 moved its postponement, that the Committee sat all that year, that it sat again last year, and the Bill was hung up pending the promise of the noble Lord (Lord J. Russell) that his Bill would in the meantime come to a second reading—a feat, however, which was never accomplished. This year, however, the noble Lord had informed them that the great requirement of the age in reference to which he was prepared to legislate last year was quite overlooked in this, but that instead he would bring forward a Reform Bill, which nobody wanted, and which, as it now turned out, nobody cared for. They were, forsooth, to have a fanciful device for representing a minority, instead of a Bill providing education for the thousands of ignorant people throughout the country for whom education was most desirable. He could not help expressing his surprise, or rather his disapprobation, that when the right hon. Baronet the Member for Morpeth (Sir G. Grey), entering very fairly into the question, said that it was a very insignificant point whether the Bill was a public or private one, and then called upon the noble Lord (Lord J. Russell) personally to take the Bill up and make it a public Bill, applicable to all England—that the noble Lord, instead of responding to the application, only turned his back upon the House, and said that there could be no difficulty in the promoters embodying the Bill in a public one. He certainly had hoped that the Government would have undertaken to make it themselves a public measure. The measure before the House was of enormous importance to Manchester and Salford, but doubly important when regarded as the model from which we were to adopt the principle on which our other populous districts were to be educated. The noble Lord had dwelt much on the advantages of the present system of education. Now, the question which that House had to determine was whether the present system met the demands

*Sir J. Pakington*

which existed in the country? He thought it was perfectly clear that it did not. Indeed, he believed it would be admitted that they had no system of education deserving the name of a national system. Nor was it worthy of this country to be lagging behind the rest of the world on such a subject, and to be without a system adequate to the wants of its swarming population. It was true the voluntary principle had its advocates, and it seemed to him, from what fell from the noble Lord, that he was willing to trust mainly to it, as was also the case with his hon. Friend the Member for the University of Cambridge (Mr. Wigram). His hon. Friend had said that the present system had conferred and was conferring great benefits on the country. No doubt that was true, and they were indebted to it for a very much larger amount of education than the country had previously enjoyed. But considering all the statistics of the question the conviction was inevitable, that whatever might be the merits of the voluntary system, or whatever amount of good it had achieved, it was quite inadequate to meet the demands of the population, and the requirements of the country. He must here ask permission of the House to allude to a statement which he (Sir J. Pakington) had made at a very large and interesting meeting held at Birmingham not long ago in reference to reformatory institutions, for several attacks had appeared against him in the public press for his statistical statements regarding the extent of education in this country. He had on that occasion stated, and gave his authority for the fact—that of Mr. Keith Johnson—that the total numbers receiving education in this country did not exceed 1 in 12 of the population. In his statistical tables on the subject of education that well-known gentleman based his statement on the consideration that 1 in 6 of the population ought to be receiving education, and that was the case in Prussia, as well as in Switzerland, Baden, in Wurtemberg, and Denmark. In Sweden, Norway, three provinces of Holland, and five departments of the east of France, 1 in 6½; in Bavaria, 1 in 7; Austria, 1 in 9; Belgium and France generally, 1 in 10; Scotland, 1 in 11; whilst in England and Ireland the proportion was only 1 in 12. And what was the state of education in the United States of America? That in the north-eastern states, such as Massachusetts, New York, New Jersey, New Hampshire, it was 1 in

6, and in Vermont and Rhode Island, 1 in 7; in Delaware, 1 in 9; North Carolina, 1 in 10; and Georgia and Louisiana, 1 in 12. So that England and Ireland were only on a par with the lowest slave States of America. That was a statement which Dr. Guthrie had laid before a Committee of the House of Commons last year; and though that statement, in reference to England and Ireland, might be somewhat exaggerated, still he would ask, was the state of England and Ireland in this respect what it ought to be? According to the returns of the Registrar General, what did they find? That while, out of a population of 18,000,000, 2,100,000 were stated to be on the school books—that is, about  $8\frac{1}{2}\%$ , or nearly one-ninth of the population—only 1,750,000, or one-tenth, were known to attend school. Now, surely those figures proved that something ought to be done beyond the voluntary system. And he had himself, therefore, come to the conclusion, though reluctantly and with hesitation, that, at least in the case of the populous districts of England, resort must be had to an educational rate. Whether, however, it would be necessary to do so in the rural districts was another question; though in the populous and large towns he did not believe it possible otherwise to educate the people to the extent to which they ought to be educated, without an education rate. Well, one of the objections urged against an educational rate was, that it would interfere with the voluntary system. But could that be so? He was decidedly of opinion that it could not; and in illustration of his views, he would refer to the working of the poor-law system, and ask had its administration put a stop to the efforts of private charity? It did not; neither, he believed, would our providing for the moral man in the same way in which we provided for the physical, put an end to voluntary efforts. It was also found that in the United States, where a compulsory system of rating was in existence, voluntary exertions on a scale of great benevolence were always to be observed. Now, if they adopted a system of rating for educational purposes, that system ought to be applicable to every portion of the population—all ought to have access to the education so provided; they must make it universal, and, in his opinion, they ought to make it free. Well, such were the principles of the Bill now before them; education was to be offered to every one gratuitously, and offered to every one willing to

come into the terms it prescribed. But then came the question really at issue between this Bill and its opponents, and which had been so pertinently raised by the hon. Member for Oldham (Mr. W. J. Fox), are we then to adopt a system of purely secular, or a system of religious teaching? He, for one, could only say, that he was most decidedly opposed to the purely secular system, for he believed that if they adopted it, they would be thereby disregarding what was the main object of education. Mere education was vain and worthless—standing alone; while, with the religious system, they imparted to the child, not only secular instruction, but a knowledge of those higher duties which would be so valuable to him in after life; and on that point the noble Lord (Lord J. Russell) had that evening expressed most just sentiments. But, independently of the objections of the noble Lord to a purely secular system, he believed that any such system would be wholly repugnant to the feelings of the people of England. And if that were true, how could they possibly levy rates to support a system to which the people of England could not possibly be got to submit? If this opinion were, as he believed it, sound, they could adopt no course which would be more oppressive, or more unjust in its nature, than first to make a rate and then to compel the people either to go without the advantage of it, or else, if they took advantage of it, to adopt a system opposed to their convictions and repugnant to their consciences. And might they not derive some advantage from contemplating the experience of the United States? Let him remind the right hon. Gentleman the Member for Manchester of the evidence given before the Committee over which he presided with regard to the feelings of the people of America on the effect of the secular system there. [The right hon. Gentleman then read an extract from the evidence of Mr. Payne, who described how the doctrines and principles of Christianity had been, to a great extent, undermined in America, in consequence of want of religious instruction in the schools.] Now it was perfectly true that the hon. Member for the West Riding (Mr. Cobden) had submitted to the Committee a very able letter from a clergyman of the name of Thompson, who gave vent to very strong opinions on the subject of a secular system of education. But, at the same time, it must be allowed, that there was very great

difference of opinion on the subject generally; that, at all events, there were gentlemen competent to form an opinion—men of great experience, and thoroughly conversant with the work of education in America—who felt that the results of that system which it was wanted to introduce into England had evinced not only a general disregard for religion, but an ignorance of fundamental religion, which were alike perilous to the welfare of the individual and to the future welfare of the State. And was it, then, come to that, that their unhappy religious divisions were to become an insuperable bar to their forming a religious system based upon fair and tolerant principles? He felt bound to express his opinion that the measure before the House had been conducted in a manner which did the greatest honour to the people of Manchester, and that it opened out a path by which the religious feelings of the people of this country might be respected, and by which, at the same time, education might be made universal. Believing that the measure would attain that end, he thought it right to urge the House not to throw aside the Bill upon a light and unimportant question. The principle of the Bill was, that a rate should be levied to support schools, which were to be open to persons of all religious denominations, but with the condition that, whatever the teaching of each school might be, the parental rights and religious scruples of those parents should be respected who desired to send their children to such schools for the benefit of secular instruction. He could not entirely agree with the hon. Member for the West Riding in a statement which he had made in a late discussion upon this question at Manchester; for, although the census would show, undoubtedly, a very large number of persons who were in the habit of never attending any place of worship at all, yet the proportion, as stated by the hon. Gentleman, he thought was rather exaggerated. The hon. Gentleman said, that there were about 5,000,000 people who never attended any place of worship, or about 1,000,000 heads of families. That was a statement which he could not agree to, although he would admit that the proportion was very large. The hon. Gentleman went on to say:—

“Now, I ask every candid man who really wants education, how will you reach, through our religious organisations, those people who never go to chapels or to any place of religious worship? And

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then, there is in reserve this more terrible fact still—that the very persons who never go to church or chapel are just those persons, above all, whom it is most important we should reach through our school organisation.”

He was prepared to concur entirely in the latter part of that statement, but he was compelled to dissent from the first part. He would say that that proportion of the population which are insensible to their religious duties was precisely that to whom should be extended the blessings of whatever system of education was devised. The plan of the noble Lord, however, would not reach that portion of the population. The noble Lord said that no one ought to be assisted from the rates who did not pay for their own schooling; and the hon. Member for the University of Cambridge (Mr. Wigram) seemed to entertain the strongest objection to that plan. He said:—“There would be the same objection to raising rates for educational purposes as there were now to church rates.” But he (Sir J. Pakington) maintained that that depended on the manner in which those rates were applied. If they raised rates, and applied them exclusively to the benefit of one system of religion, then undoubtedly objections analogous to those that were urged against church rates would be made. But if they were raised upon tolerant principles—principles which had respect for religious scruples, and which did nothing to force particular creeds or catechisms upon those who were unwilling to learn them—he believed there would be nothing at all of such objections. The noble Lord said that this was an imperfect system, and that you could not force the Church system upon Dissenters; certainly not, and the Bill did not propose to do so. He himself knew of a case in point. It was in a rural parish where there was a large church congregation and only a few dissenting families—too few to have a school of their own; but there was a school connected with the National Society, and where the rule of the Society with regard to the catechism was rigidly enforced. And what was the result? Why, that the children of these dissenting families were altogether unprovided for. Now was that a Christian or a tolerant mode of action? He must most distinctly and broadly state his opinion that the National Society would do well to relax their rule with regard to religious education. What he desired to see was



that in that parish a school should be maintained—a Church of England school, teaching Church of England doctrines; that those doctrines, inculcated through the creeds and catechisms of the Church, should be taught to all who were willing to receive them; but that in the case of dissenting families the children should be allowed to come to the school, their parents being responsible for them, and undertaking to relieve the schoolmasters of the duty of inculcating religious instruction. Now, would religion suffer from the execution of such a plan? On the contrary, he believed the ends of religion would be greatly promoted, and that simultaneously they would be increasing sentiments of charity and good-will, which would do much towards putting an end to that feeling of acrimony which so often was found to exist between those who were members of the Church and those who dissented from it. He thought it could not be too generally known that one of the finest establishments in this Kingdom for education—he meant King Edward's Grammar School at Birmingham—was conducted upon a system which gave general satisfaction to the various classes of religious denominations that sought its advantages. By the last accounts he had received respecting this school, it appeared that there were 1,200 scholars enjoying the advantages of the large revenue attached to this school. It was well known that the present Bishop of Manchester was for many years the head master of that grammar school. He held in his hand a printed copy of a statement made by the Bishop in relation to that school, in 1842. There were at that time 1,133 scholars receiving education in it. Of that number 748 belonged to the Church of England; 133 were Independents, 116 Wesleyans, 60 Baptists, 38 Socinians, 10 of Lady Huntingdon's Connection, 8 Roman Catholics, 7 Swedenborgians, 6 Presbyterians, 4 Jews, 1 Quaker, 1 Irvingite, and 1 of the Plymouth Brethren, and yet they were all receiving the same system of education in the most harmonious spirit. Dr. Lee said that his plan was this:—the religious lessons were given first in the day, and any parent who objected to the particular religious instruction that was then given had the liberty of keeping the child at home until that part of the education was concluded. No single complaint had been made of this system. On the contrary, the greatest satisfaction was evinced by all religious sects and

classes. In his humble opinion he thought that they might safely meet the difficulty so far as regards all denominational schools, by allowing them to have their own peculiar religious doctrines exclusively taught in them, and not endeavouring to force upon them doctrines and creeds to which the people of the place conscientiously objected. There, however, arose a difficulty connected with the teaching and establishing of schools in places too poor and destitute for any such denominational establishments to be formed. That difficulty was, however, met by what were called the building clauses of this Bill. He did not look at this measure simply as a Manchester Bill; but rather as a model Bill to be followed by others of a similar character. He had no hesitation in saying that in the case of a school established by rates in destitute districts where there was no denominational school established, such school should be established on the principles of the Church of England. He could not understand how any objection could be raised to such a plan. He found a number of precedents for this course on the Statute-book. The most recent was the Act which was passed four years ago for the establishment of what were called the district pauper union schools. In those schools were appointed Church of England chaplains and was taught the Church of England doctrine. There was, however, all due respect shown to Dissenters, who were admitted to the advantages of those schools under limits, to receive instruction in their own doctrine from their own parents or guardians. The same principle was adopted both in gaols and workhouses. He was, therefore, fortified by those precedents in saying that in such cases as he had referred to the education in those schools should be conducted on the principles of the Church of England. He found that in Manchester this argument was frankly admitted by Dissenters. If they took the population, or the census of religious denominations, they would find an enormous majority belonging to the Church of England. Taking, too, the amount of money expended on education through the year—the numbers of scholars and of schools—they would find the Church of England greatly in the ascendancy. On those grounds, therefore, he contended that he had taken the fair and legitimate view of this part of the question. He would lay down the rule that every child should be free to benefit by those schools, and that the child should

be at liberty to remain away during religious instruction if the peculiar kind taught be objected to by the parents. It was for these reasons he was disposed to give his support to the second reading of this Bill. Although he did not exactly approve of the plan of conveying education as proposed by this Bill, he considered it on the whole as a noble measure—the most important measure upon education that had ever been laid upon the table of that House. He had himself recently seen in Manchester something of that spirit abroad which had led to the preparation and introduction of this Bill. He must say he thought that the men of Manchester had held out an example to all England by meeting together—though of different persuasions—and mutually laying aside their religious differences for the purpose of supporting such a measure of education as this Bill proposed. They had met together on the common ground of Christianity, and had agreed to this Bill, which had been brought forward in a manner most honourable to themselves. He thought then that it was only due to them that their Bill should be treated with all due respect by that House, that it should be read a second time, and then sent before a Select Committee. If it should be subsequently considered necessary to submit the provisions of the Bill to a Committee of the whole House, he was confident that the promoters of the measure would have not the slightest objection that it should go through that ordeal. The House should understand this point, that the petition to which the right hon. Member for Manchester (Mr. M. Gibson) referred, was not one against this Bill. What were the words of this petition of the corporation of Manchester? Here they were—"without giving any opinion on the principle or details of the Bill:— [Mr. MILNER GIBSON: Read the prayer of the petition.] If the right hon. Gentleman would allow him he would read what he liked. He would, however, read the prayer, but with the right hon. Gentleman's permission he would read what preceded the prayer first. The petitioners said:—

"That without giving any opinion on the principle or details of the Manchester and Salford Education Bill, your petitioners respectfully, but firmly, protest against its introduction, or further progress, as a private Bill in your Honourable House. Your petitioners, therefore, humbly pray that the propriety of attempting to deal with the important and generally interesting subjects of education, by means of a private Bill, may not

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receive the sanction of your Honourable House; and that the proposal to read the Manchester and Salford Bill the second time may be negatived."

Very true; but why? Why, upon the ground that the Bill was a private Bill. It was on this ground that they distinctly objected, and withheld any expression of opinion on the principle or details of the measure. But this was not all. When the decision of the council was arrived at, it was only after debate; and when the petition was first drawn it was differently worded. As first drawn, the petition did object to the principle of the Bill; but an amendment was carried, that the disapproval be struck out, and these words substituted—"without giving any opinion on the principles or details." But further. If he were called upon to choose between the expressed opinions of the town council and the whole body of ratepayers upon such a subject, he should say that the opinion of the whole body of ratepayers was more to be trusted on this question than the town council. For what had occurred when the ratepayers were canvassed upon it? Why, that no less than 40,000 of them had petitioned Parliament that the Bill should pass; and he believed it would be found that these 40,000 constituted a great majority of the whole. Under these circumstances, he would set the decision of the ratepayers against the decision of the town council, even if the town council had expressed a distinct opposition to the principle of the Bill, which they had not, for they declined giving any opinion upon it. In conclusion, he would not deny that in this Bill he did not look altogether to Manchester. It was a model from which that House might derive sound principles for extending universal instruction to all the populous and destitute districts of the country; and on these grounds he was desirous that it should be read a second time.

Mr. BRIGHT said, the right hon. Baronet (Sir J. Pakington) had, in his opening observations, spoken as if he thought the gentlemen promoting the Bill had some right to complain that himself and his right hon. Colleague (Mr. M. Gibson) had blamed the course they had taken. They did not, however, blame their course, for they did not see how they could easily have taken any other. The fact was, the forms of that House would not allow them, even if they had wished it, to bring in as a public Bill a Bill for local objects like the present; while at the same time the

who dissented from the measure, made it impossible, in their minds, that the House could allow such a subject to be dealt with conclusively as a private Bill. The promoters ought not to be blamed; they could not help the accidents of their position. Neither himself nor his right hon. Friend found fault with them, although dissenting from them on important details. For example, they were not willing to admit that the promoters of the present Bill were the only persons in Manchester who had advocated the cause of education. Everybody knew that an educational movement had existed in Manchester for several years; that it was commenced by persons who opposed the present Bill; and it was only after they had made great progress in securing public opinion on their side that the gentlemen promoting this Bill brought the measure forward in opposition. Both parties, therefore, were entitled to commendation; both were entitled to a fair hearing before Parliament. But the other party, who first moved in this matter, knew perfectly well that they could not carry their measure as a private Bill. They might have brought a private Bill before the House just as this private Bill was now brought, but they knew perfectly well, as his right hon. Friend had always advised them, that it was not the way to get the question settled at all. Such being the position of the Gentlemen who could not agree to the present Bill, they had a right to ask the House to hear their objections to the present Bill being read a second time. The right hon. Baronet (Sir J. Pakington) had made some rather extraordinary observations towards the close of this speech. He repudiated the views of the corporation of Manchester, and contended that they were not elected for educational purposes. They were not elected, any more than he himself was, for educational purposes; but he must say that if there ever was a body capable of expressing the opinions of the whole community which it governed, that body was the council of the city of Manchester. Everybody who knew anything of the proceedings of the city council of Manchester since its first establishment, would admit that there was no town in the United Kingdom more indebted to the indefatigable and enlightened labours of its municipal representatives than was the city of Manchester. The amount of money they

touting. Now, for what did this Bill ask the House? Brought in by the hon. Member for North Staffordshire (Mr. Ad-derley), and the hon. and learned Member for Hertford (Mr. T. Chambers), neither of them connected with Manchester, it asked Parliament, under the modest guise of a Private Bill, to tax the ratepayers of that city to the amount, as estimated by some, of no less than from 40,000*l.* to 50,000*l.* a year, but of 25,000*l.* a year even according to the promoters themselves. It proposed to take either of these vast sums from the ratepayers of the city for the purpose of educating the people. Now, he would ask the right hon. Baronet (Sir J. Pakington) what he would say if his right hon. Colleague (Mr. M. Gibson) and himself were to bring in a Bill for the purpose of extending the principle to the county of Worcester? What would the right hon. Baronet say if the Bill so introduced proposed to levy a county rate, and to appoint a district school committee, with power to draw upon the county treasurer to the extent of 50,000*l.* or 100,000*l.* a year? Such a measure, he rather thought, would be opposed by every county magistrate in that House; and he could hardly bring himself to think that the right hon. Baronet, who made such a pertinacious stand against the County Rates Expenditure Bill last year would support it, as he had the present measure, in a speech of an hour's length. The thing was monstrous and incredible; and but that the right hon. Baronet was looking rather to Manchester than Worcestershire, and allowing his praiseworthy sentiments in favour of education to dim his sense of justice, he would see at once that nothing could be more impossible than that the House of Commons should consent to impose such an amount of taxation on the ratepayers of Manchester, opposed as the proposition was by his right hon. Friend and himself, who at least represented somebody in the borough, and opposed also by the unanimous vote of the corporation. The corporation were not even mentioned in the Bill. The Bill had not been submitted to a single public meeting in Manchester, and it had not even been circulated in that House. Indeed, he would undertake to say, that not one Member in ten had ever seen it at all. He could not see, under such circumstances, how Gentlemen who valued the representa-

tive principle, or municipal institutions, could oppose the concurrent sense of a great community upon a private measure merely because it was called an Educational Bill; and the promoters must themselves feel that here was an obstacle of an insurmountable character against the course they had been recommended to pursue. He would not go into the details of the Bill further than to say that, without once mentioning the corporation, it proposed to establish, under the system of voting according to Sturges Bourne's Act, a district school committee, which should demand from the overseers of the poor the large rates he had stated, annually, for the purpose, not of opening new schools, but of keeping open the existing schools in Manchester under their present management, with the condition that they should be free schools for the whole population. The right hon. Baronet the Member for Morpeth (Sir G. Grey), as well as the right hon. Baronet opposite (Sir J. Pakington), had referred to the petition from the corporation; and the latter had argued from it that the corporation did not object to the principle of the Bill. He laid particular stress upon the word "therefore," as if it referred only to the three preceding lines which he read, but it referred, undoubtedly, to the affirmations in the whole of the preceding part of the petition. Here was one of them:—

"That your petitioners fully recognise the necessity of legislation for the purpose of providing free schools for the poorest, most destitute, and dependent classes of children in this country, and believe that thereby many of the social evils resulting from the want of education which at present unfortunately exist amongst such classes, may be materially lessened, and the amount of crime amongst juveniles considerably diminished."

But this was wholly different from the propositions in the Bill. The Bill provided that the whole of the children in the city should be educated at free schools—those of the rich, of the middle classes, and of the working classes, all alike, if they chose to attend there. This was a very different thing from what the corporation laid down in their petition, which was that Parliament should legislate, not by a private Bill, for the purpose of providing education "for the poorest, most destitute, and dependent classes of children in this country." They recommended, also, that means should be taken to secure the attendance of children at schools. Then what became of the statements of the right

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hon. Baronet the Member for Morpeth, and of the right hon. Baronet opposite, that the corporation of Manchester had expressed no opinion upon the principle of the Bill? They did express an opinion; but it was an opinion in favour of a principle opposed to that of the Bill. The right hon. Gentleman opposite (Sir J. Pakington) had stated that when the Bill was before the corporation an amendment was made which had the effect of altering the petition. The fact was, the amendment was a friendly amendment; it was proposed by a member who was in favour of the Bill, though not as a private Bill; and then the council carried the petition unanimously. It was, however, one of the most remarkable circumstances connected with the whole case, that the corporation of Manchester, representing between 300,000 and 400,000 persons, who would be affected, should the present Bill pass, by a tax amounting to 40,000*l.* annually, was not, owing to the forms of the House, able to present a petition to the House respecting it. His right hon. Friend (Mr. M. Gibson) had such a petition, engrossed upon parchment and sealed with the broad seal of the corporation, but all to no purpose. Where was this petition? It was stowed away in a room fifty or one hundred yards off—in some of those small rooms or cells which Sir Charles Barry had built for concealing everything about the House—and it could not be laid on the table. It had not been presented, and could not be. But suppose the Bill went before a Committee, what a ludicrous state of things would ensue. Who would be upon that Committee? Neither himself nor his right hon. Colleague, who know everything about the Bill, but only Members who had no knowledge whatever concerning it. They would discuss the matter for several days; all sorts of questions about conscience would be asked; whether the Roman Catholics would agree to do this, or the Unitarians that, or the Church people to do something else. Now, he would put it to the House whether anything could be more inconsistent or absurd than that a matter of this sort, involving such important questions, ought to be settled by five hon. Members upstairs, with the assistance of the gentlemen of the long robe. It was said that this was to be a model Bill. But we had already a Bill for Ireland; why not take that as a model? A Bill was to be brought in for Scotland next week; why not take that



as a model? Here were measures affecting two-thirds of the United Kingdom; why not have another for England and Wales? Would they practise their experiments upon Manchester when Manchester did not ask for it, but denounced it by its legitimate authorities? There was another reason why he was sure the House would not consent to this Bill. It would not work. Did the House think that if they passed a Bill in the face of sixty municipal councillors, aldermen, and more, the Bill would work? Would they set up another authority in the shape of a district school committee, with the power to put their finger annually upon vast sums, whose whole office and business was repudiated by the municipality of Manchester? Were they to proceed upon the theory which this Bill adopted, that every man, whatever his religious opinions, must contribute directly and annually for the teaching of every other religious opinion in Manchester, some of which he believed to be dangerous and erroneous? He saw the hon. Member for North Warwickshire (Mr. Spooner) looking in amazement at such a proposition. The House had not heard anything of his peculiar propositions this year; but the hon. Member was conscientious, and he certainly could not pay a rate under this Bill. He (Mr. Bright) was also conscientious, and he could not pay a rate under this Bill except with the same violence that would be done to his convictions in the case of church-rates; and here he would express his solemn conviction that if the Bill passed in this shape, or in any shape, it would only import into the town of Manchester all the evils of a church-rate, from which evils Manchester was now free, and cause such a revulsion in the public mind with regard to the question of education, that parties who were gradually approximating to rational views upon it would be driven from each other, and that public education, instead of being promoted, would be retarded for many years. The hon. Member for North Staffordshire (Mr. Adderley) had not been quite fair in his opening speech in treating himself and his right hon. Colleague as if they were opposed to education. They were not opposed to education. They had both stood upon the same platform with the hon. Member for the West Riding (Mr. Cobden), and they agreed it must be desirable to have some experiment in the way of a permissive Bill, in order to discover if the

problem could be worked out. He (Mr. Bright) thought it might, but it never would be worked out by a Private Bill brought in by Members not connected with Manchester, and in opposition to the opinions of the town council and of a vast majority of the people of Manchester. This, indeed, was a delicate question, which could not be finished in one Session. The respectable gentlemen who promoted the Bill had not hitherto been much in favour of public agitation. They had only been at it three years, and were rather novices yet. It would require another, or perhaps two years, before discussion in Manchester could assume a shape to enable a Bill to be brought in with such an amount of general acceptance as to give it a chance of working with anything like success. His own opinion was that the proper course would be to withdraw the Bill, and then persons interested in a measure for Manchester, with some from both sides of the House, might probably, at no distant period, agree upon a Bill that might be brought in by the hon. Member (Mr. Adderley); or, what would probably be better, it might be offered to the Government, who might perchance consent to bring it in. It should, however, be a general measure, legislating very little, but giving permissive powers to the various corporations in the country. Parliament leaving thus the settlement, each corporation would be left to adopt the measure for itself, and apply it to its own locality as far as public opinion in the community required. He was not against an experimental education in the city of Manchester. The majority of the people there were not opposed to it; but they would not have it tried upon principles such as were involved in the present Bill; principles contrary to the sense of the whole municipal authority, and contrary to the opinions of what was just with regard to the consciences of individuals. If any hon. Gentleman thought he opposed the Bill upon any other ground, he was altogether mistaken. He had much respect for the gentlemen who proposed it, and he would not deny that they had made concessions which entitled them to great attention, and being extremely anxious that the great question should be put in a train of settlement of some kind, he would assent in any way he could conscientiously. But as he believed he best comprehended the wants of the locality, as he knew

wishes of the people, and as he knew the nature of the Bill, he asked the House not to consent to the second reading.

MR. HENLEY said, he concurred with his right hon. Friend (Sir J. Pakington) in thinking that the Government had manifested a great disregard to this important question by almost wholly absenting themselves from the House during the present discussion. He thought it was somewhat hard that the House should be asked to deal with a question so immeasurably great as education, which ought to be argued on general grounds, in the shape of a private Bill. And this, too, when they had it made manifest to them that the opinion of the inhabitants upon whom it was to operate were divided upon the measure. There was not the name of any Member connected with the city of Manchester, or with Salford, on the back of the Bill. When it was known how eager all persons had been in endeavouring to advance the cause of education, it was, at least, a strong evidence that there was a great division of opinion upon the proposed arrangement, when no one representing the interests of Manchester or Salford had consented to his name being placed on the back of this Bill. He was decidedly in favour of the diffusion of education among the people, provided that education were based on religion; but because he believed that, as drawn, the Bill was not based on religion, and, so far from that, must inevitably fritter it down, and bring it to nought, he disliked the principle of the measure; he objected to the Bill also, because, whilst in terms it professed to be tolerant, it evaded tolerance in truth. It was impossible to read the clause, the 47th he believed, which professed to secure tolerance to all the children in the schools, without seeing that, "keeping the word of promise to the ear," it would "break it to the hope." Moreover, he confessed that he objected to the principle of rating laid down by the Bill in its present shape, and he quite concurred with the hon. Gentleman, the Member for Manchester (Mr. Bright) that if the proposed system of rating were attempted to be enforced, they would have all the evils of the church-rate system, including all its heart-burnings, without even the advantage of prescription which church rates enjoy. How would the trustees of schools be affected? They might apply to participate in the general rates of a town.

The Bill said to the trustees of schools, in effect, "You shall have a share in this rate if you will commit a breach of trust. Give up what you have promised to perform, and which you believe you ought to fulfil, and here is a share of the rate. But, whether you do so or not, of this be assured, you shall pay your rate for what you believe to be error." His right hon. Friend (Sir J. Pakington) had based his argument to-night on the present insufficiency of education. But what did he do? He said he disapproved of the mode proposed for an extension of education by the Bill. But if he disapproved of the mode he (Mr. Henley) confessed he did not understand upon what ground his right hon. Friend had determined to support the second reading. For, whilst his right hon. Friend declared that the extension of education was necessary, he disapproved of the plan by which that object was proposed to be accomplished by the Bill. The hon. Member for Oldham (Mr. W. J. Fox) had said a great deal about the present state of education in this country, and he (Mr. Henley) presumed that every one would be ready to admit that there was much room for adopting increased means of education. But some of the arguments of the hon. Gentleman were not, as he thought, quite well founded, or sufficient to prove all his assertions. For instance, with regard to the state of crime, the hon. Member said that, though there had been a great increase in the amount of education, there had not been any relative decrease in crime. Now it seemed to him (Mr. Henley) that the hon. Member had not attached sufficient weight to the facts which, contemporaneously with the increase of education, had been going on. He did not consider that while there had been an increased number of committals there had also been increased means provided for prosecuting crime, the public having undertaken to pay all the expenses. By that one circumstance the number of committals was greatly increased; still, he believed that it had had the effect of checking crime. He believed the primary duty of the State was to teach children their duty to man and to God, and that they could not be taught their duty to man without being taught their duty to God. And whatever might be said respecting Ireland, he did not believe that in this country — especially in the densely-populated manufacturing districts

—any one would hold that, if they gave children a secular education, they had provided the means of ensuring them religious teaching also. Unless, however, they could do that, he maintained that they would be doing only that which was a secondary duty, and leaving undone that which was their primary duty. He agreed with the hon. Member for Oldham that it was a good thing for children to receive a domestic religious education; but it was his opinion that, whether from the incessant employment of the parents, or from their inability or their want of will, they could not be trusted in imparting to their children that indispensable portion of education. In trusting to such a source he feared they would be trusting to a broken reed. In his opinion it was our duty, in the first instance, to provide a religious education, and then to engraft a secular education upon it. These were the views which he conscientiously entertained with regard to the subject of education. It was undoubtedly a subject upon which there were, and would always continue to be, great differences of opinion. He deeply regretted that the Government had shown such a total want of care respecting it, for, whilst hardly favouring the House with a distinct opinion, they had actually shown their contempt of it, by not taking the trouble to listen to what other persons had to say upon the subject. He considered the Motion of the right hon. Gentleman (Mr. M. Gibson) as tantamount to voting against the second reading of the Bill; and, so regarding it, if the right hon. Gentleman went to a division, he (Mr. Henley) should give him his support.

MR. WILSON PATTEN said, he could not vote for the Motion of the right hon. Member for Manchester (Mr. M. Gibson), because he felt that, if the measure were rejected, he should thereby be assisting to put an end for ever to all attempts on the part of any town or community to bring in a Bill connected with education; and he would not be a party to preventing a town which desired it from obtaining an Act for educating the children within its precincts. He did not understand upon what principle it was that they allowed towns to provide themselves with gas, with water, and with other necessities, by means of local rates, and yet refused to allow them to provide themselves with education. The question of the second reading of the Bill upon the table, how-

ever, rested on very different grounds. He had had a great deal to do with the private legislation of the House of Commons, and he had always acted on this principle—if he found the great body of the inhabitants of a town, backed by their Members, were in favour of, or opposed to, a measure connected with that town, he for one had uniformly given the greatest weight to their opinions, and generally those opinions had regulated, almost exclusively, his conduct in reference to the second reading; but on the present occasion he found himself precluded from taking so decisive a course. In the first place, he found the two hon. Members for Manchester to be dead opposed to the Bill; and of course he was quite ready to give all due weight to their opposition; but then he happened to know the opinions of these hon. Gentlemen, and he knew that their desire was to establish a secular system of education in this country which was diametrically opposed to this Bill. Then there came another question with regard to the municipal body which governed Manchester; and if he were convinced that that corporation were, equally with their Members, opposed to the measure, he would not hesitate to follow the course he had hitherto pursued on every Private Bill, and pay the same deference to the municipal body of Manchester that he had paid to other municipal bodies. He happened to know, however, that on a former occasion the corporation of Manchester expressly objected to the provisions of a similar Bill to the one under consideration, on opposite grounds to those now alleged, namely, because it imposed upon them duties connected with the education of the town. In the present instance, on looking at the course which that corporation had taken, he found that it had been proposed to them to oppose this Bill; but instead of taking the direct course of opposing it, they adopted a petition, in which they merely prayed the House not to pass the Bill as a private one. Now, with all due deference to the corporation of Manchester, he must be permitted to say that he did think they were bound to afford to Parliament some more distinct intimation of their views than was contained in their petition to the House. As things were, therefore, he had the greatest unwillingness to let go his hold on the Bill, and for the following reasons. For some years past he had taken a lively interest in the question of educa-

ing the labouring classes in the county he represented (North Lancashire), and he well knew that differences of opinion existed respecting it in Manchester and every part of the county. He had seen proposition after proposition made and fall to the ground, in consequence of that diversity of opinion; and when he found that the exertions of men who had devoted a great portion of their time to the promotion of education in Manchester were so far successful with the principle they advocated that they had secured the support of 40,000 of the inhabitants of that town, he would not consent to lose his hold of a measure which commanded such an amount of support as long as there was the least chance of its being successful. He believed the question was as between three distinct systems of education—the voluntary, the denominational, and the secular. His belief was that so great was the difference of opinion on these three systems, that if they propounded any one of them by itself, they might wait for the next fifty years before they would get any system of education established in the country at all. They were now acting upon the voluntary system, and he knew well what great advantages had arisen from it, and the progress it had made throughout the country. But who that looked into the matter would be satisfied with that progress, however great it might be? Taking the population of the country, it would be found that the voluntary system was totally inadequate to the wants and requirements of the community. Again, so strong was the feeling in all parts of the country against the secular system, that nobody had yet dared to propose that as a national system of education. The right hon. Gentleman (Mr. M. Gibson) said there was a larger petition for that than this. But had any one ventured to propose a Bill founded on it in this House? —[Mr. M. GIBSON: I have proposed it.]— But the right hon. Gentleman was not permitted to read his Bill a first time, a pretty convincing proof of the opposition which such a system would meet with. The feeling of opposition was equally strong throughout the country against the denominational system also. Seeing, then, that not one of these three systems could be generally approved and adopted, he thought the House ought not to look with indifference upon any scheme like the one now before them, when it came supported by so large a number of the inhabitants of the town from which the measure pro-

*Mr. W. Patten*

ceeded. He was going to suggest, since it appeared that every Member had been led astray by the petition of the corporation of Manchester against the Bill, that the hon. Gentleman who had charge of the Bill should postpone the second reading until the town council of Manchester had had an opportunity of expressing their opinions more decidedly than they had yet done on the measure before the House, and of conveying to the House what they believed to be the feeling of the city of Manchester upon the subject. He thought the hon. Member would act wisely by adopting such a course. He, for one, should positively despair of any system of education having a chance of success, especially if brought forward by an individual Member, if something like the present measure should not be adopted.

Mr. PETO said, that several hon. Gentlemen who had addressed the House had expressed an opinion that the voluntary system of education was not adequate to the wants and requirements of the country. Now he, for one, was not prepared to make that admission. He believed that the voluntary principle in education, carried out as it was now being carried out, was everything that the country could require; and, whatever might be its deficiencies, he was perfectly persuaded that if the country would continue to give it its confidence, it would prove the best system that had ever yet been adopted. He would refer to a few facts in support of this statement. In the first instance, having sat on the Committee which had inquired into this subject two Sessions, he would beg to call the attention of the House to the circumstance that at Manchester itself there was a larger amount of school accommodation than was shown to be necessary by any of the evidence adduced before the Committee, and the peculiar position with regard to the employment of the young in which Manchester was placed rendered a shorter term of education necessary in that place than in rural districts where such occupations did not exist. In proof of this, he would refer to the facts, which were shown by the census, that, while at Manchester the attendance at day schools was 1 in  $11\frac{1}{2}$  of the population, at Exeter it was 1 in  $6\frac{1}{2}$ ; and at Manchester the attendance at the Sunday schools was 1 in  $7\frac{1}{2}$ , while at Exeter it was 1 in  $15\frac{1}{2}$ . Several witnesses had been called before that Committee, who had endeavoured to show that the proper term for the attendance of a



child at school was seven years, but when they were pressed as to the fact, they all felt they were bound to admit that only four years was the average term of the attendance of children at schools. Although he deplored that there were in Manchester, as well as in every large and populous city in the Empire, large numbers of destitute and criminal children who required an opportunity of education, and who at the present moment were not supplied with it, yet he took these to be exceptional cases, to which the same principle could not be applied as that which was applicable to the rest of the population. But, even while making this admission, he would call the attention of the House to the meeting which had been referred to by the right hon. Gentleman the Member for Droitwich (Sir J. Pakington), at which several highly esteemed noblemen and gentlemen had given their opinion upon this section of the subject, and while they saw, in common with himself, the necessity for something being done with regard to those children, yet so strongly did they feel that hesitation was necessary before substituting for the benevolent aid of persons who were interested in their welfare a governmental or municipal plan, that they made use of the following observations with regard to it:—

“The Earl of Shaftesbury, while maintaining that Government grants were needful, said that ‘Government aid, if alone given, would soon become cold, formal, and ineffective.’ The Earl of Harrowby said, ‘If it were desired to have moral action brought to bear upon the individual—and this was indispensable to reformatory establishments of the class contemplated—it would be necessary to bring the heart of one man to bear on the heart of another; and no Act of Parliament could secure that amount of enthusiasm and zeal which was necessary for reforming the heart of a criminal, whether adult or child. It was not enough to appoint well-paid officers, or to have a number of persons scrambling for Government appointments, and too happy to receive Government salaries. They must, on the contrary, look for assistance to those who had already distinguished themselves by personal sacrifices and great exertions in the work.’ Mr. Commissioner M. D. Hill, Q.C., alluded to the success of reformatory attempts already made, and asked upon what principle all this had been done. ‘Was it by the order of Government, or under the hope of Government reward? No; it was gratifying to find that all that yet had been done in this matter had been the result of the voluntary principle, and not by the paid agency of the State.’”

Then he would refer the House to the census as the strongest possible proof that education had been advancing in this coun-

try in a far greater ratio than the population itself. From 1818 to 1851 the population had increased 54 per cent, but the educational increase had been 218 per cent. In 1818, there were 19,230 day schools, with 674,883 scholars, or one in 17·25 of the population. In 1833 there were 38,971 schools, with 1,276,947 scholars, or 1 in 11·27. In 1851 there were 46,114 schools, with 2,144,377 scholars, or 1 in 8·36 of the entire population. Sir John Kay Shuttleworth had said that he should never be satisfied until he found that 1 in 8 of the population attended day schools. The census showed that between 1818 and 1851 the proportion of the population attending them had been raised to 1 in 8½. What, then, could justify the Government or the country in interrupting the course which was being followed by benevolence to promote the welfare of the people? He had noticed the difficulties under which the noble Lord the Member for London (Lord J. Russell) laboured in speaking on this subject. The noble Lord seemed encompassed by difficulties, and so he would be if the Government stepped out of its proper course. He (Mr. Peto) maintained that the office of the Government was to protect all classes of the community, but that it was no more the business of the Government to be the educator of the people than to be their manufacturer or trader; and if, as the Marquess of Lansdowne had said, Governments and municipalities would become traders or manufacturers, they would be found to be the worst manufacturers or traders the people could have. They wanted a feeling which no Government officials or Committees could ever possess to be brought to bear in carrying out their object, and the efforts of active, true benevolence alone could impart to all who were connected with it that feeling, which was, that the welfare of the children was to be placed above all other considerations. The only way in which they could attain that object was by supporting the voluntary system. He would now refer to unendowed schools. In 1818, there were 861 unendowed public schools, with 110,062 scholars; in 1833, there were 5,724 schools, with 390,734 scholars; and in 1851, there were 11,478 schools, with 1,263,536 scholars. From 1818 to 1853, there had, therefore, been an increase of 665 per cent in the number of schools, and of 255 per cent in the number of scholars; while from 1833 to 1851, the increase in the number of schools had

been 201 per cent, and in the number of scholars 323 per cent. He knew that there were a great many people who did not think much of the results of the establishment of Sunday schools. He believed, on the contrary, that they had never had an agency in this country more blessed by Divine Providence, or more useful to the working classes than Sunday schools. In 1782, the first Sunday school was established. In 1818, there were 5,463 Sunday schools, with 477,225 scholars. In 1833, there were 16,828 schools, with 1,548,890 scholars. In 1851, there were 23,498 schools, with 2,407,409 scholars. The number of teachers had increased to no less than 302,000; being 1 in 60 of the entire population. The mere fact of 1 in 60 of the population having devoted themselves to the education of youth upon their day of rest—this being a greater sacrifice on their part than it would be on the part of those who were occupied solely in the education of youth—must have exercised a most beneficial influence. He believed that the benefit which had been derived from Sunday schools could only be appreciated by those who were well acquainted with them. He knew, from his intimate acquaintance with Lancashire and the neighbourhood of Manchester, that it was impossible to appreciate the amount of good which they had done in that district. Let them now look at other sources for the diffusion of educational influences. He would take, for instance, the Ragged School Union of London. There were now 20,000 scholars belonging to that Union only. Let them also take the mechanics' institutes. In 1823, the first institute had been established in England. In 1850, there were 622 institutes, with 103,522 members or attendants. Every hon. Gentleman would recollect that when the noble Lord the Member for London (Lord J. Russell) had spoken with regard to the educational measure of last Session, he had referred to the fact of 500,000*l.* per annum being expended for educational purposes in this country, derived solely from the children's pence who attended the schools, and had in a feeling manner dwelt upon the necessity of not interfering with so beneficial an outlay. These facts showed the House that if they had not arrived at that point at which they all desired to arrive, they were pursuing a course which, if they were allowed to pursue it without being meddled with by State and municipal institutions, would lead them

*Mr. Peto*

to a happy and beneficial result. When that result had been achieved, let them consider the good they would have done. Voluntary education benefited both the person giving and the person receiving. It bound together the various classes of the community in a way in which no other kind of instruction could bind them. With regard to the effects of Governmental education, he would refer to the example of France, and he would ask whether they would like to see the circumstance take place in this country which had taken place there in the reign of Louis Philippe, who had been obliged to discharge 2,000 schoolmasters at once, because they, the paid agents of the Government, were becoming too troublesome, and had inculcated unsound and dangerous principles into the minds of the children? Let them look at Prussia, where the system of education was much of the same character as that which was recognised by this Bill. It had often been asked, what was the feeling of the children in that country and of their teachers with regard to religion. Ninetenths of the teachers in Prussia were infidels. Most of them acknowledged that they considered that the religion they taught was a lie, but that they were paid by the Government for teaching it, and did so to gain their bread. In Holland, he found that a secular system of instruction, without religion, prevailed. A friend of his, while staying in that country, had inquired of one of the teachers when the children received religious instruction. He said he did not know, but he would ask the children, and the inquiry was actually made of some twenty of the children before one could be found who had received any religious instruction at all. He agreed with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), that if they were going to have education without religion for its basis, and without the beneficial influence of the voluntary principle, they would make a sacrifice of the independence and self-reliance of the people of this country which they were not called upon to make, and which Parliament ought not to permit to be made. If this question was to be agitated with reference to the introduction of any Bill by the Government, they might yet have ample opportunities of thoroughly ventilating the subject of education, and, therefore, he would not now detain the House any longer, as several other hon. Members were doubtless desirous of addressing them; but he wished to

impress upon them how strongly he felt that, if they once departed from the principle of voluntary education, and substituted for it the machinery of State or of central education, they would always regret the effect which would thereby be produced upon the character and the feelings of their countrymen.

MR. T. CHAMBERS said, as one whose name had been placed on the back of the Bill, he had, in the name of the promoters of the measure, to thank the House for having accorded to it so full and fair a discussion. No one denied that the measure was a most important one, and that by its discussion there was no doubt the question of public education had been advanced a stage. He could not, however, agree to the objection which had been urged to its introduction in the form of a private Bill on the ground that it was a measure for establishing a system of national education. It was no such thing. It was not a measure for setting up a system of education at all. It was, in fact, simply a scheme for promoting and sustaining a system of education now in existence in the city of Manchester and borough of Salford. The promoters had not been so unwise as to attempt to solve a problem which had divided the country for forty years; but, having found a grievance in their own locality, they thought themselves justified in endeavouring to redress it. Manchester had a right to do what it could for itself. It had 40,000 children not at school, and with reference to a great portion of whom there was no satisfactory reason why they were not. It had an excess of school accommodation and abundance of teachers. The problem to be solved was to render this of use for the education of these children. To solve this problem two schemes had been proposed, one that which they were now discussing, and the other that of the National Public School Association, which was supported by the right hon. Member for Manchester (Mr. M. Gibson) and other hon. Members of that House. Between the supporters of this Bill and its opponents the difference was not a difference of principle so much as of plan. Both supporters and opponents agreed that something ought to be done to educate the people. The latter said, "Give them a secular education." The former urged the importance of the religious element in education, and were willing to support the present denominational system. There was undoubtedly this much to be said in

favour of the Bill as against the secular education party—namely, that all classes of religionists opposed a merely secular education. He did not then argue whether that was right or wrong; it was sufficient to declare it to be a fact. As to the other opponents—the voluntaries—they opposed altogether the principle of a rate for educational purposes; yet they sanctioned a rate for the education of vagrants, paupers, and criminals. The Bill went but one step further, and asked for a rate to educate the poor neglected children who would otherwise be hanging about the streets of Manchester and receiving no education at all. If the State might stand in *loco parentis* with regard to vagrants, paupers, and criminals, why might it not also hold the same position with regard to that great mass out of which those three classes were replenished and helpless? The voluntaries would do well seriously to consider that by the course they were taking they were preventing the State from interfering until the very mischief which education was to prevent had happened. But it was said that the corporation of Manchester was opposed to this Bill, and that therefore it ought not to be forced upon that city. Now, the fact was, that the ratepayers, or a majority of them, had given their assent to a Bill similar to the one before the House, differing indeed only from it in not being so much of a compromise. But if there were any doubt as to the wishes of the city of Manchester this Bill might be made permissive only so as not to come into operation unless a clear majority of ratepayers should desire it. Surely there could then be no objection. It would then be of an experimental character, and this was a most opportune moment for trying the experiment. The noble Lord the Member for the City of London (Lord J. Russell) had shown by his speech that he was no nearer to the solution of the question of national education than he had been for years past, nor was there any statesman much nearer to that solution than the noble Lord. Why not, then, allow this Bill—as a first step in the right direction—to pass, and then watch its result? Not only was the time opportune, but the place was appropriate. Where should such an experiment be tried sooner or under fairer conditions than at Manchester? Its population was large enough, its varieties of religious and political creed sufficiently numerous, to make the test a conclusive one. Above all, education is there re-

quired in a pre-eminent degree, socially, commercially, and politically, with the present formidable manufacturing competition of the Continent. Manchester required education for the improvement of her artisans—for the improvement of her designers—in order to secure her present supremacy. She required it also for the improvement of her population generally, who were asking for the extension of political rights. Let not the House wait for some sublime piece of national legislation which would meet the views of all parties—and from which we seemed as far off as ever—but rather rest satisfied with a measure like this, which offered a chance of advancing, although but one step, in the right direction.

MR. E. BALL said, he had always been deeply interested in the question now before the House. It was to be regretted, when so large, wealthy, and respectable a population as Manchester had been for so long a period engaged in the preparation of such an important measure, that a proposition should be brought forward in that House to reject the measure on its second reading. It was true, as stated, that the Bill had its opponents in Manchester; but it ought also at the same time to have been stated that the Bill was supported by 40,000 Manchester ratepayers. He implored the House to consider the question seriously, and not ungraciously reject the measure because another system was sought to be set up—the National School system—which excluded the Bible as the basis of education. He never would support a plan of education for the people which had not the Bible for the basis of their morality and the ground of their spiritual expectation. He would adduce one fact, which he would volunteer in place of a speech—it was on this fact that he grounded his views of the necessity of giving the people a religious education, otherwise damage instead of benefit would ensue. The Reformatory Prison in Great Smith Street, Westminster, had worked beneficially, because it effected a moral reformation of criminals. The Report from that prison stated that mere secular education did not prevent crime; for out of every hundred criminals it was ascertained that eighty-three had received good general education—thus showing that mere secular education, that is, education without religion, did not prevent crime, and was rather hurtful than beneficial to the people.

MR. WALPOLE said, he wished to

*Mr. T. Chambers*

offer a few words upon the inconvenient position in which the House had placed itself by this discussion on a private Bill. There were two most important principles contained in the measure—the one was, the principle of a compulsory rating for providing education in the city of Manchester; and the other was a principle which would enable parties to divert endowments from the original purposes of the trust if they passed the Bill in its present form. Now, if they admitted the principle of compulsory rating for the purpose of establishing a system of general education in Manchester, they would there establish the principle of church rates, with all the inconveniences attending those rates, and without the justification which had hitherto existed with regard to them. Let it be remembered that church rates were introduced at a time when all the people of this country entertained the same opinions—that they had prescriptive usage in their favour—and that the property which paid those rates was either inherited or purchased with that burden upon it. But if they introduced the principle of compulsory rating for the establishment of a system of education in the different towns of the Kingdom, they had not, in doing so, a single particle of one of those reasons which justified them in having and maintaining church rates—for it is not introduced when there is an uncertainty on the subject—there is no prescriptive usage in its favour, and the property of the town has hitherto been free from it. Thus they would introduce all the evils to which church rates were liable, while they would be putting a burden on property which hitherto had not been called to bear any such burden. Now, whether it might be wise or prudent to adopt the principle of compulsory rating for the purpose of establishing a general system of education in England, on the ground that by voluntary exertion they could not provide that general education, that was a principle which they ought to have the fullest opportunity of discussing, and of which they ought to have the fullest notice, as well as the fullest information, before they came to any conclusion upon it. It is not a subject to be discussed and decided on the second reading of a private Bill. The other important principle in the Bill involved this difficulty—that since every child in a town where a district free school was established would be at liberty to attend that school for pur-



poses of education, while yet through his parents he could refuse to be taught according to the system of religion upon which that school was founded, it might turn out that so many children would be introduced into the school that they would be numerically greater than the other children to be educated therein according to the system which the founder laid down, and thus the whole trust would be subverted. Now, that was a question which, when they came to discuss it as a great public measure, would necessarily impose upon Parliament the duty of considering whether it was not drying up the sources of voluntary charity and benevolence, by making that charity and benevolence dependent, not on the law as the founder of a charity knew it to be at the time he endowed the school, but upon the casual majority of the ratepayers in a particular district, who could by their votes subvert the whole principles on which he intended the school to be endowed, and on which the trusts of that school were to be carried on. He (Mr. Walpole) must say before they established such a principle as that with regard to a system of compulsory rating, they ought not to do so upon the second reading of a private Bill, or without having full and ample discussion, being fully sensible at the same time that it was an entire innovation. He made this remark to show the House the extreme inconvenience they were incurring by adopting this Bill, which contained the principle of a great public measure, and which ought not to be raised upon a private application to Parliament. For it must be remembered that private Bills were brought in without notice, and read a second time without being circulated amongst hon. Members; and Gentlemen came down to the House without knowing the principles they contained till they were discussed, unless they were accidentally informed of those principles by the promoters of the Bill; whereas, in the case of public measures, the House and the country received full notice of their true nature; they were either brought in or watched by Gentlemen connected with Departments of the State, who thus became responsible for them; the fullest information was obtained upon every point involved in them; and if the Bill was an important one, its second reading was postponed till hon. Members had had time to consider and deliberate upon its provisions before they were called upon to adopt it or repel it. It was said, however, that this Bill

was simply a private Bill in the strict sense of the word, and that, according to the forms of the House, the principles of it, as such could now be, as fully as was necessary, discussed. From that notion he entirely differed, and he hoped that the House would never consent that such a practice should be adopted. There were many matters which might be brought forward as private Bills, which, if they wished great public privileges, ought not to be sanctioned in that character. Suppose, for instance, they were to bring in a private Bill, by which they bound the majority to contribute by rates to the general fund for maintaining, repairing, or building of churches and chapels, for the religious denominations of every body of Christians in Manchester, did they think such a Bill would be tolerated for a single moment as a private Bill? Would not the Government say, and very properly, "You must bring it in as a public measure and discuss it, and we shall see whether such a principle can be adopted, because it may be extended over the whole Kingdom?" So as regards the system of education proposed in this Bill, it ought to be treated as a public measure; and he must say that the experiment, or the experience of that night, call it what they would, was a good lesson to the House, or rather he should say to the Government, not to allow this kind of legislation. He regretted very much that some member of the Government at the commencement of the discussion did not get up in his place and point out the extreme inconvenience of proceeding with Bills of this description, taking up the whole time which ought to be employed in the public and not the private business of the country; and he ventured to add, that if this Bill had been given notice of for a Government night—on either a Monday or a Friday—it would not have been allowed to proceed till that hour (eleven o'clock). These evils he deprecated as necessarily incident to the introduction of private Bills of this description, involving great public principles, and which might cause the postponement of the business of the House by constantly leading to adjournments. His hon. Friend (Mr. Adderley) who had brought forward this measure, as well as the people of Manchester, had devoted great attention to the question, and he (Mr. Walpole) should be sorry to thwart them after the great pains and trouble they had taken in devising a good system of education. But that did not get rid of the

objection in this case, and the question was, how could they introduce such a measure for Manchester without establishing a precedent which might not hereafter be extended to the other towns of the Kingdom. He could not, however, entirely assent to the Amendment of the right hon. hon. Gentleman (Mr. M. Gibson), for that Amendment would amount to this, that, under no circumstances could education be supported from public rates. He was not prepared to support a proposition so large as that; for he would not assert that in no case whatever should such a proposition be made. That would be prejudging the general question, whether they should have a general system of education maintained by rates or not. Then, as to the Motion for the second reading of the Bill. His own impression was, that the object of the Bill would not be defeated by postponing it for a short time, but, in point of fact, that it might be furthered by such a postponement. He should regret if, supposing the Amendment of the right hon. Gentleman the Member for Manchester should be rejected, any hon. Gentleman should move that the Bill be read a second time that day six months. That would be putting the gentlemen of Manchester in a position in which, after the great exertions they had made, they ought not to be put. It would defeat their intention, without a chance of renewing them. In the midst of these difficulties he would, therefore, recommend that the Amendment of the right hon. Gentleman should be withdrawn; and then that, on the Motion for the second reading of the Bill, the House should simply refuse to agree to its being read a second time now. This course would not preclude the promoters of the Bill from going on with it at a future time, if the Government, or any Member of the House, were not prepared to submit that this or any other system of education should be made applicable to the great towns of the Kingdom. By taking such a course he believed that we should obviate most of the difficulties which embarrassed us at present, while we preserved to the House—what he hoped it would always preserve to itself—the right and the power of saying, that when a great public measure was proposed involving a great public principle, it ought to be brought forward as a Public Bill, in order that they might have the fullest information and the fullest discussion of which the subject would allow.

Mr. MIALl said, he perfectly concurred

*Mr. Walpole*

with the right hon. Gentleman who had just sat down that it was extremely inconvenient, and even inappropriate, to discuss a great question of public policy on so narrow a basis as a private Bill; and he thought that by sending such a measure to a Committee upstairs, they would be forestalling the decision of Parliament upon a vital question, which the House was unable to settle for itself. If difference of opinion prevailed in that House relative to the effect of the measures proposed to be brought into operation by the present Bill, it was to be remembered, also, that much the same differences of opinion prevailed in Manchester, where the Bill was intended to apply; and he would avail himself of that opportunity, with the permission of the House, to put it into the possession of the opinion of those who entertained what were called "voluntary principles." Much had been said about education, and it had been divided into three classes—first, charitable education; secondly, education by means of public rates; and thirdly, no education at all. But no real statement had been made of the true principles to be enforced on this subject. He had read, a few days since, the report of the Committee for the Improvement of the Dwellings of the Labouring Poor, and he thought that if a statistical return of such were made, it would be of great advantage, and would go far to prove that proper provision had not been made for the poor; but he should never think, on that account, of coming to the conclusion that Parliament ought to provide suitable habitations for the poor. But it was said, why put the one burden on the shoulders of Government if you did not put the other? and why put such a charge upon Government at all, since the primary duty of education devolved, no doubt, upon the people themselves, who should, and in the majority of cases could, provide such for their children? The fact was, that the fault generally might be traced to the parents of the children, who in many cases made gain of them by getting them employed in factories and workshops at an early age; and until the disposition of parents in this respect was reformed, little improvement could be made. Most parents among the lower orders could, by giving up a portion of their beer a day, find the means of giving their children some education, and it was, in fact, the want of will in the parents to send their children to school, which was the great drawback to all measures of improvement

of this kind. If they valued education as they ought, there was already plenty of educational machinery at command. There was an abundance of ignorance in the country, verging on crime, and occasionally exhibiting itself in the deepest crime. Would their free schools touch that? Would those schools be valued by the class which was steeped in such gross ignorance? Wherever the State stood *in loco parentis* to a child, let the State fulfil the duty of a parent, and provide education for the people; but do not let the State undermine their self-reliance. They talked of enlarging the basis of the representation; but let them beware, lest, when they had a fuller representation of the working men, those men applied the lessons now being taught them by the promoters of this Bill, and, instead of using their own individual energies for their own personal good, relied on legislative machinery; and came to Parliament, not for education only, but for clothing, and decent habitations. Let the House once admit that principle, and act upon it, and he did not understand how they could do anything short of carrying it out to its fullest extent. He entreated the House not to decide a question of such momentous bearings on the narrow basis of a private Bill.

MR. BROTHERTON said, that he believed it would be impossible for the Bill to be carried into beneficial operation without the consent of the inhabitants of Manchester and Salford; and, therefore, to pass it in opposition to their wishes would be unwise as well as useless. The inhabitants of Manchester had petitioned against the Bill being taken as a private Bill, and the town council of Salford had expressed no opinion, and these he thought sufficient reasons why the Bill should not now be read a second time. The great objection of the inhabitants of Manchester to this Bill, he believed, was the expense. Another objection was the making those schools common to all classes of the inhabitants. Every one admitted that the poorer classes should have some provision made for the education of their children; and he would suggest that those persons who were excluded from the franchise should have the benefit of those free schools. If such schools were limited to the children of persons occupying houses under the value of 10*l.* or 6*l.*, there would be a class provided with an education to which he believed the other inhabitants would be willing to contribute. He was

glad when he heard the right hon. Gentleman the Member for Manchester (Mr. Gibson) state that there was a strong desire in that city on the part of those who had hitherto been opposed to the measure, and he (Mr. Brotherton) had reason to believe, that if there was a strong desire, there would be a closer approximation than there had hitherto been, as there was a general wish, both in Manchester and the borough of Salford, that they should have a system of education. He considered Manchester, of all places in the Kingdom, the best wherein to try the question as to whether the different classes could be educated together. He proposed that, if the Bill passed, it should be limited to a period of three years. Then, if the experiment succeeded, the measure could be extended; if not, then the people would not be long to pay for a Bill from which no benefit resulted. He should be under the necessity of voting against the Amendment proposed by the right hon. Member for Manchester, as it involved a principle which he should regret to have established, and, if the Amendment was negatived, he should propose that the second reading should be postponed for a month. He was confident that arrangements could be made to frame a Bill that would be generally acceptable to all parties.

MR. MUNTZ said, he wished to state to the House why he, although anxious for the education of the poor, should vote against the present Bill. If a similar Bill were to be introduced for Birmingham, and the town council and inhabitants petitioned against it, he would find himself in an extraordinary predicament if he voted for the present Bill. The town council of Manchester had come to Parliament with a Bill proposed by one of their own Members, and accompanying it with a petition in favour of it from their own body, he would be obliged to give his support to such a measure not otherwise. It was not as a private Bill that he objected to the measure being introduced into the House; but he did so because it was introduced and opposed in a manner which he could not approve. He was anxious as ever that education should be both secular and religious, but he was under the conviction that we should never have a general and ample system of education worthy the name, except if it was conducted on the purely secular principle, and he would rather have that

imperfectly educated than not educated at all.

MR. ADDERLEY, in reply, said, that if the proposal made by the right hon. Baronet the Member for Morpeth (Sir G. Grey) at the commencement of the discussion had been acceded to by Her Majesty's Government, he should have been ready to adopt that proposal. But it seemed to him that the noble Lord the Member for London (Lord J. Russell) had only evaded the question when he had said to him (Mr. Adderley) across the table, that he might, if he chose, undertake to introduce a public Bill upon that subject. He concluded, therefore, that Her Majesty's Government would neither take up the question themselves, nor have the courage to state at once that they would not attempt to deal with it. He would further observe, that the Bill was not opposed by the town council of Manchester except on the ground of its being a Private Bill, and he therefore must divide the House on the second reading.

MR. MILNER GIBSON said, he wished to introduce an alteration in the Amendment by the introduction of the words "at the present time" after the words "ought not," so that he would merely affirm that the subject was one which ought not as yet to be dealt with.

Amendment, by leave, *withdrawn*.

Question again proposed, "That the Bill be now read a second time."

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'Education to be supported by public rates is a subject which ought not at the present time to be dealt with by any private Bill,' instead thereof."

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 76 ; Noes 105 ; Majority 29.

Words *added* :—Main Question, as amended, put, and *agreed to*.

The House adjourned at Twelve o'clock.

## HOUSE OF COMMONS,

*Wednesday, February 22, 1854.*

MINUTES.] PUBLIC BILLS.—1<sup>o</sup> Medical Practitioners (No. 2) ; Transportations (Ireland).

## UNIVERSITY OF OXFORD—QUESTION.

MR. BLACKETT said, the House had, no doubt, seen in the newspapers a peti-

tion containing the draught of a new constitution for the University of Oxford as proposed by the authorities of the University. He wished, in consequence, to ask the noble Lord the Member for London whether that proposed scheme had been submitted to Her Majesty's Government, and whether the Government intended to sanction it?

LORD JOHN RUSSELL: Sir, let me first say, in answer to the question of the hon. Gentleman, that I think the Hebdomadal Board of Oxford deserve credit for the pains they have taken to explain their scheme for the improvement of the constitution of the University of Oxford; but, with regard to the petition to which the hon. Gentleman has referred, I have to say that Her Majesty's Government, having taken the proposed constitution into consideration, have thought it their duty to come to the decision—and my noble Friend near me, the Secretary of State for the Home Department, has signified the same to the Chancellor of the University—that Her Majesty could not be advised to assent to the proposal for granting a licence in favour of the draught of the constitution as proposed by the Hebdomadal Board.

MR. WALPOLE said, he should be glad to know whether the communications which had passed between the Secretary of State and the University and Colleges would be laid on the table of the House?

LORD JOHN RUSSELL: I think I stated some days ago that the correspondence would be laid on the table of the House when completed, and prior to the discussion on the subject.

## MR. SMITH O'BRIEN—QUESTION.

MR. H. BEAMISH said, he wished to ask the noble Lord the Secretary of State for the Home Department whether there was any truth in a rumour which had been for some time in circulation, to the effect that the clemency of the Crown was about to be extended to Mr. Smith O'Brien? He had no hesitation in saying that if that rumour were true it would give universal satisfaction in Ireland.

VISCOUNT PALMERSTON: Sir, in answer to the question of my hon. Friend, I have to state that the matter to which he has adverted has been under the consideration of Her Majesty's Government. The facts appear to be, that while some of those persons who were transported with Mr. Smith O'Brien have thought fit to break their parole, and have escaped from



the place of their destination, Mr. Smith O'Brien himself, whatever might have been his faults and guilt, has acted like a gentleman, and has not taken advantage of opportunities for escape of which, if he had been a less honourable man, he might have availed himself. It is, therefore, the intention of Her Majesty's Government to advise the Crown to extend to Mr. Smith O'Brien the means of placing himself in the same situation, by an act of clemency on the part of the Crown, in which those other persons have placed themselves by a violation of the pledges which they had given.

#### RUSSIA AND THE PORTE—QUESTION.

On the bringing up the Report of the Committee of Supply,

MR. HUME said, that he had not addressed the House during the late discussion, as he was unwilling to interrupt the proceedings, but he could not allow these estimates to be disposed of without stating that this was the first time since he had been in Parliament that he had not taken part in the question of voting the number of men for the Army or Navy. He had felt strongly the situation in which the country was placed, and the difficulties which had been imposed upon Her Majesty's Government, and it appeared to him, after the unfair manner in which charges had been brought against the members of the Administration, that those who, like himself, belonged to no factious party, were called on to state their candid and honest opinion upon the subject. He thought that the Government, so far from being open to censure for having exhausted every means of maintaining peace, deserved the thanks of their country, and of every one who was shocked and alarmed at the horrors of war, for their endeavours to avoid it. Even if there had been any apparent neglect in their conduct, he should have been disposed to overlook such a circumstance, when he saw that they had been animated by a sincere desire to promote the public good. He was one of those who were of opinion that, in reference to what had passed in relation to this question, the conduct of the Government ought not to be too closely criticised, and, upon carefully going through all the documents of which the House was now in possession on this subject, he was bound to say that Her Majesty's Government, as well as the Government by which they had been preceded, had done everything in their power to keep

aloof from the quarrels of the Latin and Greek Churches. That was, he considered, very wise and proper. They had evinced, as far as he could judge, an earnest desire to bring to a satisfactory conclusion the dispute between Russia and Turkey without having recourse to war. So far was he, therefore, from thinking the attacks directed against the Government to be well founded, that he gave them his honest thanks for having acted as they had acted. At the same time he believed that they had been very much deceived in placing confidence—and he could not blame them for it—in a Government which had for many years been acting in cordial alliance with England. He could not blame them for placing confidence in the statements, both oral and written, of the Ambassadors as well as of the Emperor of Russia. He had no hesitation in saying that they had been deceived, but the shame was not on them, but on the deceiver. Under these circumstances he gave them his hearty thanks, although he regretted to find that we were once more about to land troops on the continent of Europe. He was prepared, however, to support, by our Navy, to the fullest extent, what he considered to be the honour of the country, and not only to support the honour of the country—that he held to be an empty word—but to resist those aggressions which Russia had gradually been making on the neighbouring countries, and to prevent her from accomplishing objects which he feared would be dangerous to the general liberties of Europe. It was on that ground he thought that Her Majesty's Government had been compelled to take the course they had taken. Although we were placed at the extreme western verge of Europe, still, as our commerce pervaded the whole world, and as the liberties of mankind depended in a very great degree on the maintenance of the liberties of England, he could not think we were to be blamed for the part we had taken in that question. With regard to the estimates, he considered the increase of 13,000 men to our naval forces a very moderate increase as compared with that which had been expected, and he felt bound to add that, considering the increase in the number of men for the Army and Navy, the addition to the national expenditure was much less than might have been anticipated, and it would no doubt have been greater if it had not been for the anxious endeavours of the Government to practise a rigid economy

while they added to our forces. He, therefore, thought that the measures taken by the Government were fit and proper; and the arrangements on the part of this country for opposing the encroachments of a barbarous power appeared to him to be conducted in the best and most economical manner. He had heard with regret an attack made the other evening against the Prime Minister by the hon. Member for West Surrey (Mr. Drummond). He could not think it was consistent with fair play, or with the dignity of that House, or with the maintenance of the due authority of that Government to whom the confidence of the House was given, to take the means which the hon. Gentleman had taken to throw doubts on the character of the Prime Minister. It appeared to him that the attack on Lord Aberdeen was most injurious and uncalled for; and he regretted to find that, while the hon. Member for West Surrey and other Gentlemen were prepared to give their confidence to the Ministers, they were taking every means in their power to degrade them and to lower them in the public estimation. He did not think that that was a wise or a becoming course; and he, as an individual unconnected with any party, was anxious to express his approval of the policy of Her Majesty's Government. In his opinion there was only one matter in which they were to blame, and that was the secrecy with which they had conducted their negotiations. He was satisfied that, if they had from time to time published the papers which they had lately laid before the House, many of the charges which had been made against them—charges of connivance as stated by some, and of credulity as stated by others—would never have been advanced. He hoped that for the future they would show that they had more confidence in the good feeling and the good sense of the country at large, by communicating more frankly their measures or their intentions, so that the public might be enabled to know what their Ministers were doing, without having recourse to papers published by the Governments of France and of other countries. He did not think that that was the open spirit in which the people of England ought to be treated. He believed that in times of difficulty and danger they would be ready to rally round the Administration, and that they ought to be treated with a generous confidence. He fully approved of the vote for the increase of the number of men in

*Mr. Hume*

our Navy, and he was perfectly satisfied, from proofs which had already been given, that it would meet with the approbation of the country. He never thought to have seen the day when, in a question of this kind, where outlay was necessary and great expense was to be incurred, he could come forward and so entirely express his opinion, in conjunction, he believed, with the opinion of the country, almost as one man, to vindicate the conduct of the Government in their measures for supporting the oppressed Turks, whose very name had formerly been a term of reproach. The people of England had manifested at various public meetings their sense of the attempt made by a powerful State to coerce and overwhelm a weaker one, and had come forward with that generous determination which he hoped Englishmen would ever entertain to assist the injured and oppressed, and to resist a violent and unprovoked aggression.

MR. MONCKTON MILNES said, he hoped the well-timed and patriotic observations of his hon. Friend the Member for Montrose (Mr. Hume) would not fall unheeded on the House and the country. He felt grateful to his hon. Friend for coming forward in the way he had done, and he (Mr. M. Milnes) joined him heartily in what he believed to be the confirmed opinion of the people of this country. With reference to the remark of his hon. Friend as to the absence of information, until lately, upon this question, he thought the Government had paid a severe penalty for the mistrust they had shown of the people on this occasion. He believed if the first volume of the blue book had been laid on the table at the end of last Session, which it might have been with all prudence, not only would much of the ill-feeling, but also the debate on this subject, which had recently ensued, have been considerably curtailed, and the House would have come forward in support of the Government with even more energy and spirit than it had done. As to the question of the advisability of making a more prompt and unequivocal demonstration at the time that Russia crossed the Pruth, if the correspondence which had then taken place had been published towards the end of the last Session, that question would then have been brought regularly under the notice of the House, and decided in a manner befitting the occasion and the emergency. The verdict of the House on that occasion would, he believed, have been favourable to the Go-

vernment; and there would have been a demonstration of public opinion against Russia which would have materially strengthened their hands in the subsequent negotiations which they set on foot. He could not but think that the mistrust which the Government then showed in the people of this country did much to confirm the Emperor of Russia in his unhappy obstinacy, and, with other circumstances, had led him to take the fatal resolution which he had now done. Adverting to another point, he would take that opportunity of impressing on the House and the Government the necessity of using every possible precaution to preserve the health and the lives of the brave soldiers whom we might send to fight our battles in the East in the impending struggle. He trusted that a sufficient staff of skilled medical officers would accompany our army, and that the greatest possible care and precaution would be taken to ensure their safety both in the voyage and during their encampment in those dangerous regions, to which they were going. Dangerous, he would call them, not for the ordinary perils of warfare, not for "the arrow that flieth by day," but for "the pestilence that walketh in darkness," and "the sickness that destroyeth in the noon-day." He did not doubt that the Government would apply themselves to that important consideration with the same promptitude which had characterised the preparations they had made for this war within the last two months—unparalleled as those preparations were in the history of this or any country; and if they did so they would considerably mitigate the grief of many persons, near and dear, who were left behind by our gallant army.

SIR HENRY WILLOUGHBY said, he, for one, could not give his consent to the commendations which had been so liberally bestowed upon Government by the hon. Member for Pontefract (Mr. M. Milnes); and he thought that until the present time Government had done little or nothing to check the aggression of Russia; no Government newspapers had spoken out, and no individual, as representing the Government, had in the early part of the question at issue come forward actively and authoritatively in the matter. He believed that, if the intention of Government to resist the aggression of Russia had been clearly made known at first, it would have had more effect upon the Emperor of that country than all the despatches in all the blue books put together. If it had been

the intention of Government to interfere at all, they ought to have done so upon hearing of the operations of Prince Menchikoff in Turkey, to watch the effect of which a special Ambassador ought to have been sent to Constantinople, as was done in the person of Lord Heytesbury in 1833. There was no doubt, also, that there were times when Government could have seen clearly, if they had only watched carefully, the policy and intention of Russia, and that, seeing it, they would have checked it, and prevented the occurrence of so dreadful a war as that which now threatened not only us, but the whole of the continent of Europe. It appeared to him now, however, that there was nothing left but that all parties should determine unanimously and fairly to come forward and support Government in carrying on the war which, whether wisely or not brought about, was most certainly impending.

SIR DE LACY EVANS said, he certainly could not agree in any way with the hon. Member for Evesham (Sir H. Willoughby) in his observations on the conduct of Her Majesty's Government, and he thought it, at the present crisis, frivolous to go back into old grievances. He certainly thought if Her Majesty's Government had acted more openly with the House, they would have shown more wisdom. He believed that the public press had done more to enlighten the people as to the true state of things than all the blue books put together would have done. He had looked through the blue books, and his candid opinion was, that Government had done the best they could under circumstances of considerable difficulty; and, for himself, he could not say that he was sorry at the termination to which we had arrived, because it gave us an opportunity of prominently coming forward and checking the aggressive policy of Russia, of which not only her present conduct, but her past, gave us ample proof. He (Sir De Lacy Evans) did not regret the termination of those negotiations. The conduct of Russia was a mere pursuance of a long-premeditated policy. He certainly should be glad to see a higher tone taken by Her Majesty's Government, as also by the Governments of the Continent, towards the despot of St. Petersburg; but now that they had come to the final issue, he should say he rejoiced at it. There could be no real peace with Russia, and they never could succeed by negotiation in doing more than patching up a brief truce. The hon.

Member for the West Riding (Mr. Cobden) thought they should fall back on the Vienna note; but he (Sir De L. Evans) should be sorry to see any such attempt made, recollecting the insult, the reprobation, and dissimulation practised by Russia. Our policy must not be a backward one now, and our movement must at the present crisis be onward. We were essentially at war with Russia at the present moment, and, that being so, he should certainly regret to see us waver in our action. The hon. Member for the West Riding had also committed an error in supposing that in undertaking this war we intended to favour the Mahomedan religion at the expense of the Christian, since this was not so; and the only reason of our entering into the quarrel at all was, not to protect Turkey, or to have anything to do with the Mahomedan religion, but to resist the aggression and domination of Russia. The hon. Member had also suggested that it would have been wise to send a Commission to inquire into those differences; but, if the hon. Member had had as much experience of Commissions and inquiries as he had had, he would know the inutility of doing anything of the kind. The hon. Member had also talked much of Russia, with her 66,000,000 of population, being homogeneous of the Greek Church, but the fact was, that of this number there were only 22,000,000 of serfs who belonged to that Church, and these were entirely under the control and ridden over by their aristocratic masters, while the remaining portion of the population were Papists and members of all denominations of creeds and superstitions, and entirely under the control of the despotism under which they lived. He was glad that this discussion had taken place, and that these things had occurred at the present time, when we were in so good a position for commencing and carrying out successfully a war like the present. We had now the advantage of a close alliance with France, and enjoyed the friendly co-operation of the Sovereign of that country. We had a splendid and efficient army and navy, and, more than all, we had right and justice on our side. He hoped, therefore, that Government, now that war seemed inevitable, would not make their warlike preparations by dribbets, but would carry out the same with vigour and activity, and—at once.

VISCOUNT PALMERSTON: Sir, I am not going to renew the discussion of the other evening, but will confine myself sim-

*Sir De L. Evans*

ply to making a few remarks in reply to the observations which fell from my hon. Friend the Member for Pontefract (Mr. M. Milnes). The hon. Gentleman complained that the Government had been wanting in confidence towards this House in not laying before it at an earlier period the correspondence and communications which had passed between Her Majesty's Government and other Governments with reference to the dispute between Russia and Turkey. Sir, I can assure the House, that if any delay has taken place, either now or at any other time, in communicating to Parliament the despatches showing the progress of the negotiations which have been carried on with regard to this most important question, it has not been in any degree from any distrust in Parliament or in the country on the part of Her Majesty's Government, or from any desire to conceal from Parliament or the country the nature or the progress of the negotiations which have been going forward; but I am sure that the House and the hon. Gentleman will see that a premature publication of portions of our unfinished negotiation may most essentially prejudice the successful result of that negotiation, and that until it is brought to some termination, either favourable or unfavourable, you must entirely defeat your chance of a successful issue of that negotiation by a premature publication to the world of the proposals made, the refusals given, the modifications which have taken place, or the difficulties which have arisen in the course of it. It really is entirely a matter for their opinion as to its expediency or otherwise—and that opinion may be either right or wrong, though in this case I believe it has been perfectly right—that Ministers must be guarded in choosing the moment in which communications of this nature should be made to Parliament. There is also one other point in the speech of my hon. Friend the hon. Member for Pontefract to which I wish to refer. My hon. Friend has expressed an anxious hope that Her Majesty's Government would not omit to take all those precautions and all that care which are fitting for the health and comfort of those troops which may be employed on that expedition upon which a portion of Her Majesty's army are to be engaged. Sir, I can only assure my hon. Friend and the House, that that subject is one which above all things attracts the attention and employs the care of Her Majesty's Government, not only now, but



always—but more especially at the present time, considering the distance of the place for which they are to embark. Every care has been taken to provide for the health and comfort of the troops, and every precaution adopted to guard them from those injuries and inconveniences which may arise from the various casualties resulting either from climate or from actual war. Therefore, those friends and relations whom they leave behind may be satisfied that nothing will be omitted which it is possible to do to provide for their health and their comfort while engaged on the expedition on which they have been sent. It is the peculiar pride of this country that greater care is taken of British troops than of the troops of any other nation in the world, and although it may be attended with some increase of expense, and though it may seem at first sight to render the British army more expensive than any other army, yet, if we measure expense by results, it is obvious that ours is actually the most economical arrangement which can be made. I will venture to say that if you take 40,000 or 50,000 of any army in the world and an equal number of British troops, you will find that, owing to the greater care which is paid to our army in respect of food, clothing, and medical attendance, the 40,000 British troops will, on the day of action, bring into the field of battle an infinitely greater number of servicable men than a similar army of any other nation in the world. That is one reason—I may say it without any national vanity—of the great efficiency in the field of British troops in comparison to the numbers employed. I have thought it right to make these few remarks in consequence of what fell from my hon. Friend, and to assure the House that upon this occasion, as well as upon all others—but more especially upon this—the greatest possible care has been taken to make every provision for those points to which my hon. Friend has alluded.

MR. MUNTZ said, he fully agreed with the noble Lord the Home Secretary that no blame could be fairly attached to the Government for not having produced the correspondence and documents sooner, because every one knew that, even in private affairs, if the negotiations which were going on were disclosed before their termination the result might be to defeat the object in view. At the end of last Session he had ventured to express an opinion that,

if the Government had shown greater energy at first, the question would have been settled sooner; that if we had threatened to make it a case of war the Pruth never would have been crossed; and, as he had been guilty of reading the blue books through, he was quite confirmed by their perusal in the opinion which he had on that occasion expressed. It appeared to him that almost every party concerned in the affair had been deceived. It was quite clear that the Emperor of Russia had deceived Her Majesty's Government and every one else too that had been in communication with the Russian Government. The Emperor had pretended to make this a religious question, but religion had nothing to do with it. He had fancied that this was a convenient season, from the state of affairs in Europe, for the prosecution of his designs of Russian aggrandisement, and he had accordingly attempted to take advantage of it. It was evident, too, that the Emperor of Russia had been himself deceived; he had been deceived with regard to the progress of the Peace Society in this country. In reading through the blue book he found that, in a conversation between our Ambassador at St. Petersburg and Count Nesselrode, the latter had said that his Imperial master could not believe that, after the exertions made by England for the preservation of Peace at all costs that the English nation would ever go to war. That he thought was a sufficient proof of what mischief had been done by the Peace Society. It seemed too, that with reference to the Vienna note, every party concerned, except Turkey, had been deceived by Russia. Turkey seemed to be the only sensible party in the affair. England, France, Austria and Prussia had all at first pressed the acceptance of the Vienna note on Turkey and yet he found the British Minister fourteen days afterwards acknowledging that, if she had accepted it, it would have been her eternal ruin. He believed, looking at the whole circumstances of the case, that, if greater energy had been shown at an earlier period, all danger and expense of war, and the misery and loss of life which it would entail, might have been prevented; and he could not help feeling that the brave men who were about to sail on this expedition, good as they were, and even better as he believed they would prove themselves to be the

all others—though they were only 20,000—would run risks which he was afraid to contemplate. True, it was said they were to be supported by a fine corps of the French army; but how long was the support of that army to be relied on? How long could we feel certain of the friendly disposition of the ruler who sent them, or that he would be able to maintain that friendly disposition by the state of his own country? Then, what would become of our 20,000 men? He had read that the answer sent by the Czar to the Emperor Napoleon's letter was, that he would answer it by his soldiers, and that they would answer as their fathers did in 1812. There could not be a greater mistake than underrating one's enemy, and he did not agree with those who described the Russians as wretched, inefficient troops. He entertained a very different opinion of them, for he was old enough to remember the battle of Austerlitz, and the remarks of the first Napoleon on it; and he believed that the Russian troops now, as then, when they took the whole old Italian French army to beat them, were brave, energetic, and courageous soldiers, and a vast many there were of them. He believed that the war might have been prevented at an earlier stage, but, having got into it, all we had to do was to exert ourselves like Englishmen and get out of it as well as we could, to which object he would give his humble aid.

LORD ROBERT GROSVENOR said, that while he agreed with the hon. Gentleman who had just sat down, that an earlier production of the correspondence and documents would have been inadvisable, he could not concur in his opinion that a greater display of energy at the commencement would have prevented matters assuming their present warlike complexion. He saw nothing in the blue books to justify the supposition that, had the Emperor of Russia been threatened with war at an earlier period, he would have been deterred from prosecuting his designs. He believed, on the contrary, that by pursuing a pacific course Her Majesty's Government had gained a diplomatic triumph, and by enlisting Austria and Prussia on their side they had made the question an European instead of a mere national question.

Report agreed to.

The House adjourned at a quarter before Two o'clock.

*Mr. Muntz*

## HOUSE OF LORDS.

*Thursday, February 23, 1854.*

MINUTES.] PUBLIC BILL.—1<sup>a</sup> County Court Extension Acts Explanation.

### COUNTY COURTS EXTENSION ACT EXPLANATION BILL.

LORD BROUGHAM *presented* a Bill to explain the Act of the 13 & 14 Vict. c. 61. The noble Lord said that these courts possessed, under the operation of a clause in the Act, as it at present stood, which was termed the optional clause, a power to extend their jurisdiction, not only to cases in which any amount of money, no matter how considerable, was involved, but also to extend that jurisdiction to any kind of cause, no matter whether it related to a question of real or personal estate, provided the parties to the suit were prepared to assent to the exercise of a power so unlimited. Now it was very doubtful whether, in consequence of the manner in which another clause in the Act—he meant the appeal clause—had been framed, parties who had availed themselves of the power given by the optional clause had the right of appeal; and the consequence of this was that the operation of the optional clause had been very materially crippled. It had not thus led to the very beneficial results which otherwise it was calculated to produce, because parties to an action were unwilling to bring it on for trial in the county courts, in consequence of having no security that any error which might be committed by the judges of those courts in dealing with the question at issue, might be rectified by an appeal to the superior tribunals against the decision at which those judges might have arrived. The Bill which he now submitted to their Lordships had been framed for the purpose of affording a remedy for this state of things, and thus to extend the practical operation of the present law.

Bill read 1<sup>a</sup>.

### UNIVERSITY REFORM—OXFORD.

THE EARL OF DERBY: My Lords, I have to ask the indulgence of your Lordships for trespassing upon your time, in order to make a short statement in connection with a question which I now wish to put to Her Majesty's Government, and which I had no intention whatever of asking until this day. Neither would your

Lordships have been troubled with either the statement or the question, had not my attention been directed to a conversation which took place yesterday in another place with reference to the important subject of University Reform, the nature of which I learned from the newspapers this morning, and which is calculated to have a considerable influence upon the deliberations of the meeting of Convocation, appointed to be held to-morrow. I hope your Lordships will excuse any irregularity of which I may appear to be guilty, in putting this question without having given any previous notice that it was my intention to do so, inasmuch as I was, until to-day, unaware of the nature of the conversation to which I refer, and inasmuch as if I did not now put a question to the Government upon the subject, it would be impossible that that effect would be obtained in connection with the deliberations of Convocation to-morrow, by either my question or the answer of Her Majesty's Ministers, which it is desirable to produce. I understand that a declaration was made in another place, yesterday, upon the part of Her Majesty's Government, that it was not their intention to advise Her Majesty to assent to the proposed petition for alterations to be made in the governing body of the Universities, which has to be submitted to Convocation to-morrow. Your Lordships must be aware that the only mode of effecting an alteration in what are called the Caroline Statutes in the Universities, unless some interposition of Parliament—a course to be deprecated—were to be resorted to, is by petitioning the Crown, and by asking its assent to those alterations. Now, the only means by which a petition can be presented by the Universities to the Sovereign is, in the first place, by obtaining for it the assent of the governing body, and then procuring the concurrence in its prayer of the University at large. When I speak of the University at large, your Lordships will bear in mind that Convocation includes all the members of the University, whether they be resident or non-resident, above the rank of a master of arts. Convocation consequently includes all ranks, classes, and denominations; and the expression of the opinion, therefore, of Convocation upon any particular subject, must be regarded as the expression of the sentiments of the University at large. Well, shortly after the report of the Commission which had been appointed by Her Majesty to inquire into the state of

the Universities appeared—I shall say nothing now with regard to the mode in which that Commission was appointed, nor with regard to the peculiar disadvantages under which the University of Oxford laboured in consequence of the *ex parte* nature of the statements which characterised the evidence given before that Commission—but shortly after their report appeared, Her Majesty's Government announced it to be their intention not immediately to act upon that report; expressed themselves as being desirous of being informed, in the first instance, what course the Universities themselves were prepared to take in reference to the contemplated reform, and as being perfectly ready to postpone any attempt at legislation upon the subject until the opinions of the Universities with reference to it should have been ascertained. The University of Oxford did not lose any time in taking into its consideration the very important questions which had been raised by the report of the Commissioners, and in the course of last year a deputation from the Hebdomadal Board entered *seriatim* into the several parts of which that report was composed. Some *viva voce* evidence was taken by that deputation, but it conducted its investigation principally upon the principle of requiring written answers to written statements. By these means they had succeeded in eliciting the opinions upon the several points set forth in the report of Her Majesty's Commissioners of some of the most distinguished members of the University. They subsequently made a report to the Hebdomadal Board of their proceedings, which report contained at full length the whole of the evidence which had been adduced by means of their investigation. That report was printed on the 5th of December last, shortly before the close of term. It occupies a thick octavo volume, and in it the various subjects connected with the important question of University reform are dilated upon with great ability and great skill. On the 12th of December, an official letter, which has been since produced by the direction of Parliament, was written by the Secretary of State for the Home Department, in which it was stated that Her Majesty's Government were desirous, in the first place, of ascertaining what measures for the alteration and improvement of their present constitution the different colleges were prepared to recommend; and, in the second place, what interposition of the Legislature they deemed

necessary in order to carry those measures into effect. That letter reached me about the 14th of December, and, in acknowledging its receipt, I mentioned to the Secretary for the Home Department what were my own individual opinions upon the subject, and expressed a hope that the measure about to be introduced by the Government into Parliament, in connection with University reform, would be of such a character as to give the greatest possible latitude to the free and untrammelled action of the Universities themselves, in their endeavour to remove the obstacles which stood in the way of their improvement, and that no arbitrary enactment would be forced upon their acceptance by the Government, or any undue interference attempted to be made with reference to the internal management of their affairs. In the letter to which I refer a request was conveyed that the fullest information should be given by the Heads of the University upon the different points connected with their position and condition, as well as their recommendations with regard to the steps necessary to be taken for their contemplated reform, in order that such information may enable the Government to advise Her Majesty as to what course it was desirable to adopt upon that important question, in the month of February. The letter of the Secretary for the Home Department I received, as I before stated, on the 14th of December, just at the end of term, and I lost no time in transmitting it to the Hebdomadal Board for their consideration at their next meeting. On the 19th of December, within a week after that meeting had taken place, I had an official communication from the Hebdomadal Board with respect to the report of the Commissioners. In that communication the members of the Board apologised for not entering into the entire subject as dealt with in the report, and for not being able to give any authoritative decision upon a matter so important; they conveyed to me, however, the assurance that they would take the earliest possible opportunity to take the whole question into consideration; and having transmitted to Her Majesty's Government the report of their delegates, which had not been approved of by the Board, they at the same time expressed their hope and belief that in the course of the month of January they would be enabled to procure from the different colleges all the information which the Government required. In the month

*The Earl of Derby*

of January I received official communications from the various colleges and from the Vice Chancellor of the University, in which were set forth the various plans for the modifications of their rules and system, for carrying which into effect the members of those colleges were desirous of obtaining the assistance and the co-operation of Parliament. All those communications I immediately transmitted to the Secretary for the Home Department, in order that the Government might have the earliest information on the subject to which they referred. Shortly after the Christmas recess the Hebdomadal Board met together for the consideration of that question which was the basis of everything else, and without which it was impossible to take any further steps—namely, what alteration of the constitution of the governing body in the University should be recommended to Convocation for the purpose of obtaining its approval, and should subsequently be presented to Her Majesty's Government for the purpose of obtaining, through them, the assent of the Sovereign? I think your Lordships will see that until that important question, what was to be the nature of the governing body, was decided upon by the Board, and until their decision had obtained the sanction of the Crown, it would be idle to enter into the consideration of the various questions relating to the internal management of the University itself, in the case of a body which was contemplating a material alteration in its own constitution. The decision of the Hebdomadal Board in reference to the important question of their own reform was communicated to me upon the 11th of the present month. Now, I think your Lordships will be of opinion that upon a subject so important—a subject involving changes so extensive—the Board could not have used greater despatch without having laid themselves open to the charge of undue haste and precipitation. Upon the 11th the Government received information of the conclusion at which the Hebdomadal Board had arrived, with reference to the petition which they wished to present, and that petition was forwarded to me, and duly presented upon Monday, the 13th. At that time, the consideration of the question which had been introduced by Her Majesty's Government with respect to University reform was fixed for the following Monday, the 20th; and it was considered by the Board to be a matter of very great importance, that, before the announcement of the Government measure,



the Universities, as Universities, should be afforded an opportunity of expressing their free and unbiassed opinions with respect to the contemplated alterations. But in order to bring this subject under the notice of Convocation upon the following Friday, the 17th ultimo, it became necessary to give the petition the Hebdomadal Board recommended upon Monday, the 13th, the necessary publicity, in order that the members of Convocation might be aware that they would be called upon to deliberate upon it. The period of notice thus given was, your Lordships will observe, extremely short. Upon Monday, the 13th, before I received the copy of the petition, a member of the University, one of its most eminent professors—a gentleman with whom I have had no personal communication for the last forty years—came up to London, and held communication, in the first instance, with the Chancellor of the Exchequer, with whom I believe he is on terms of considerable intimacy. The object of that communication was to represent to the right hon. Gentleman how extremely short the time was which then remained to obtain the decision of Convocation, and how desirable it was that the Government measure should be postponed until their decision should have been clearly and fully pronounced. The Chancellor of the Exchequer, upon the part of Government, assented to the rev. gentleman's request for a postponement of the measure of the Government; but at the same time intimated that the Universities should not be put in a worse position, for the purpose of communicating with the Government, than that in which they then stood, in consequence of having lost the time for giving notice. The rev. gentleman said he had no power to make any stipulation with respect to the prior information to be given to Her Majesty's Ministers. But I, being desirous that no disposition to concealment, however slight, should be attributed to the Universities, took upon myself the responsibility to make a proposition to the effect that if the petition were placed in my hands, it should be forthwith presented by me to the Government—not, however, as being that upon which the University had definitively agreed, but as a petition proposed by the Hebdomadal Board and submitted by them to the notice of Convocation. Now I think it was not unreasonable that a postponement for a week of the Government measure should be asked by the Board, in order that Convocation might

be summoned. That postponement, as I have already mentioned, was assented to by the Chancellor of the Exchequer, and to-morrow the period of notice given for the meeting of Convocation will have expired. Now, the Vice Chancellor of Oxford called on me on the evening of Monday, the 13th. I saw him about nine o'clock on that evening, and received from him the petition, which was, upon the very next day, placed in the hands of the Secretary of State for the Home Department. On the following Thursday, upon my return home from your Lordships' House, I received a long letter from the Secretary for the Home Department, in which he informed me that Her Majesty's Government had taken into their consideration the proposed petition, and he expressed his regret that they felt it to be their duty to dissent from the scheme which the Board had framed, and that they were thus precluded from advising Her Majesty to give her consent to the propositions which it contained. I was, I confess, somewhat surprised at the announcement which was made in that letter; because, in presenting the petition of the Board to the Government, I had studiously abstained from asking them to state whether they regarded it with feelings of approval or of disapprobation—that the letter contained objections on the part of the Crown, not stated in detail, but objecting to the plan generally. I sat up to a late hour on Thursday evening, for the purpose of making as fully and as speedily as possible a communication to the Board, and that communication I despatched early upon the following morning, and also wrote in my own name a short answer to the letter of the Secretary for the Home Department. On Friday last the question was again taken into consideration by the Board, and some amendments in the form of the petition were introduced; but it became necessary to promulgate that petition on Friday, for the purpose of giving due notice to Convocation that they would be required to deliberate upon it. The Hebdomadal Board, therefore, had received, their Lordships would observe, the information of the dissent of the Government to their proposition, without any intimation as to the views which they themselves entertained upon the subject of University reform. On Friday the Board were obliged to promulgate their petition, and the result was, that not being able, in consequence of the shortness of time, to withdraw the notice which

they had already given for the meeting of Convocation, they had to promulgate their petition without being able to introduce into it, as it originally was intended, any material alteration. It had been proposed to make one or two changes in the petition, and also to divide the subjects with which it dealt into two or three different heads, in order that the various questions might come as far as possible in a separate shape under the notice of Convocation, and that they might be able to pass their opinion upon the merits of the plan on their own independent sense of what was best for the interests of the University, and unbiassed by the assent or dissent of the Government. That object is now frustrated. Her Majesty's Government had thought fit to intimate their dissent in the first instance to the propositions which had emanated from the Board, and their intention in the next place to proceed with their own measure, without giving Convocation any power to do that which they admitted it was desirable they should do—namely, to submit to the consideration of the Legislature a scheme of their own. I think it would not have been too much to expect that Her Majesty's Government, when they intimated their dissent to the proposals of the Board, should have stated what course it was in their opinion advisable that the Board should take, and which, if they did take, they would obtain the assent of the Government. Such a mode of dealing with the question would, at all events, have preserved to that body the appearance of independent action; but the present position of the question was this: the petition of the Board will be submitted to Convocation to-morrow, with the knowledge upon their part that they have no power whatsoever to make any alterations in it; that they can merely say aye or no; not with a knowledge of what the Government desired, but with the knowledge that, whatever they might agree to would not receive the assent of the Government. Now, my Lords, I contend that that is not the fair way of putting the question before the University, or of obtaining the independent judgment of the University upon it. I do not suppose that such has been the object of the Government; but certainly no course could have been taken which would have been more effective for rendering it impossible for the University to agree upon a petition for any scheme of reform, and thus for enabling the Government to say that, as the University could not agree, it

*The Earl of Derby*

had become necessary for the Government themselves to prepare a measure. Had it not been for the announcement which has been made by the Government, I should have been quite content to leave the question in the state in which it stands. The Hebdomadal Board have made known what they are about to propose; the Convocation would have been asked whether they assent to it; the petition would have been decided upon by the independent voice of Convocation, and it would then have rested with the Crown to decide whether it will assent to the petition or not. At all events, we should have had the independent opinion of the University, and Parliament and the Government would have been free to act upon that opinion. But the course which has been taken renders it necessary that I should put a question to the noble Earl at the head of the Government. The University, I believe, has not been slow in their desire to meet the wishes of the Government, and they have afforded to the Government every information which it was possible for them to give, both with regard to the University and the colleges. That information with regard to the colleges the Government has been in possession of for nearly a month; and they have also been informed that the main object of the University is to obtain a permissive power to alter the Carolian statutes. As the Government have thought fit to dissent from the proposal which is about to be made to Convocation, and by anticipation to condemn the scheme, I am entitled to ask if the Government will undertake, before giving publicity to their own scheme for any alteration of the statutes of the University, to make an official communication to the University, so that the University may, in an official and recognised manner, take such proposal into consideration, in order to see how far it will, in their opinion, conduce to the benefit of the University; or will they leave it to the University to learn, for the first time, from the reports of what takes place in Parliament, what the scheme of the Government is for the regulation of the future government of the University, and for effecting a change in all the institutions, habits, and mode of government of that body? Is the noble Earl prepared to state that, having disapproved of the measure which has been submitted to them in the first instance, the Government will communicate to the University, previously to bringing it before Parliament, the mea-

sure which, in their opinion, should be introduced to effect these great changes?

THE EARL OF ABERDEEN, who was almost inaudible, was understood to state that he could not undertake to promise that Her Majesty's Government would officially communicate to the Hebdomadal Board before submitting to Parliament the measure upon which they might finally agree with respect to the Universities. As at present advised, it was certainly not their intention to make such a communication of that measure to the Universities. Anything in the nature of deliberation was out of the question in Convocation, which had no power to do more than say "yes" or "no" to the propositions of the Hebdomadal Board—except, indeed, that any gentleman might, if he wished, make a Latin speech; and the only additional information which the Government would have obtained by waiting until after the proceedings in Convocation, would therefore have been whether that body assented to or dissented from the propositions of the Board.

#### TRANSPORT OF CAVALRY TO THE EAST—QUESTION.

THE EARL OF CARDIGAN said, he wished to put a question to Her Majesty's Government on a subject which he could not but think of great importance. In adverting to the subject, he was not inclined to think that Her Majesty's Government had acted otherwise than with the greatest prudence and judgment in carrying negotiations to the last moment possible before coming to the conclusion that recourse to arms was unavoidable; nor did he believe that they were now about to send out an expedition to the seat of war without an intention to carry on operations with the utmost promptitude and vigour. The inquiry he had to put was one entirely of expediency, and he believed was worthy of the consideration of the Government. He had heard with great regret—and he could not but add with a great deal of surprise also—that it was not the intention of Her Majesty's Government to take advantage of the discoveries in art and science which the ingenuity of man had placed at their disposal,—that they were not going to send out every branch of the expedition by means of steam navigation. He had been informed that they were about to send out the infantry to the seat of war by steamers, but that the same description of conveyance was not to be used for the

transport of those important branches of the service—the artillery and cavalry. He had heard this announcement with great regret, because the delay and inconvenience of conveying horses by sailing vessels was very great, and was also accompanied with much risk to the horses themselves, because, where the voyage was long, it was often found that numbers died on the passage, and others had to be shot after being landed, being unfit for service. The experience obtained in the conveyance of horses belonging to the cavalry in steam-vessels which plied between Liverpool and Ireland, showed that horses could be conveyed in steamers with perfect safety. The inconvenience which might arise to the expedition from the use of sailing vessels instead of steamers was perfectly obvious, because the north-easterly winds, which were more prevalent at this time of the year than at any other, were likely to cause great detention on the outward voyage. He therefore wished to ask the Government whether they did not mean to take advantage of the resources of steam navigation existing in this country for the purpose of transporting every branch of the proposed expedition to the seat of war in steamers, without incurring the risk, delay, and danger necessarily attendant upon sailing vessels? He was quite sure that the people of this country, now that they had entered upon the war, would not grudge any small additional expense for the more efficient prosecution of that war, and to render our aid as prompt and as effectual as possible.

THE DUKE OF NEWCASTLE: My noble Friend has called the attention of your Lordships to a very important question, and I can assure him that Her Majesty's Government have not neglected its consideration. My noble Friend says, he is quite certain that the country will not grudge any additional expense which might be required for transporting the cavalry and artillery by steam instead of by sailing vessels. I entirely agree with him in that statement, and am confident that no extra cost that may be necessary for that object will be grudged; but it is not upon the ground of expense that the arrangement has been made. My noble Friend thinks that, in the present flourishing condition of the steam navigation of this country, there would be no difficulty in carrying out his suggestion. Now it is precisely in consequence of that very flourishing condition of our steam navigation

that the difficulty arises; and although I do not say that it would be absolutely impossible, yet, I believe, such an arrangement as he recommends would be impracticable without entirely deranging those postal communications which the Government do not wish to interfere with so long as no very great emergency exists. I can assure my noble Friend that, so far from the operation being so easy as he supposes, when the Government first came to the determination to send out this expedition to the Mediterranean, those with whom I had to put myself in communication thought it would be found to be absolutely impossible that so large a force as 20,000 troops could be transported in steam-vessels unless the arrangements of the steam companies were greatly, if not entirely, interrupted. That has not, however, proved to be the fact; and it is only due to the companies that I should say that the difficulty has been overcome by the patriotic readiness they have displayed in aiding the Government. It is necessary to say that I do know that the arrangements of the Government have already seriously inconvenienced these companies; and although we of course pay a considerable sum for the use of their steamers, I believe that the payment which the country has to make to the companies does not repay them either for the inconvenience they will suffer, or for the wear and tear which their ships will sustain. My Lords, I am sure that the same spirit which has been manifested by the steam companies will also be exhibited, as occasion may demand, under existing circumstances, by every other class of Her Majesty's subjects. I can assure my noble Friend, that the best inquiries were made as to the practicability of obtaining a sufficient amount of steam transports for the conveyance of the number of horses already ordered, namely, 1,500, without taking into consideration the additional number which will be required to be sent out before long. We were well assured that it was totally impracticable; and when the noble Earl recollects the immense amount of space required by horses, and also the great portion of space necessary, not merely for the horses themselves, but for the steam machinery and for the fuel which has to be carried; and further, that in conveying horses you must make an allowance for the provender, and likewise for the large quantity of water requisite for a long voyage, he will see that the cost of conveyance of

*The Duke of Newcastle*

this kind to the Mediterranean must be very great indeed. I am afraid, therefore, that his suggestions, however valuable in themselves, cannot be carried out. But this may be done to obviate the inconvenience which he has pointed out; namely, that when the sailing vessels are prepared and ready to be sent out with the horses on board, we may be able to attach some steamers to them, in order to take a certain number of the sailing vessels in tow, in the event of adverse winds or calms, and thus, to a certain extent, we may obviate the inconvenience of a less rapid means of transit.

THE EARL OF ELLENBOROUGH said there could be no doubt that the difficulty in sending out horses to the Mediterranean must be very great. He believed that every horse required ten tons; and as 1,500 horses were to be sent out in the first instance, this would take 15,000 tons altogether; and no doubt it would be extremely difficult to obtain the requisite amount of space in steam-vessels. At the same time, however important the postal communications of the country might be, facility for the transport of the army was of still more importance. The infantry must be chained to the coast of Turkey if it were sent in advance, and would be unable to act in the interior without the cavalry and artillery, and therefore it would be perfectly absurd to send any force with the view to immediate operations under circumstances of that description. There was, however, one consideration that had not been referred to—namely, that steamers could make three trips whilst sailing vessels made one; and therefore, although each horse required ten tons, one-third of the tonnage required to carry 1,500 horses by sailing vessels would suffice to convey the same number by steamers in the same time; and there would be this advantage in using steamers, that at least one-third of the artillery would arrive in good time. He did not know how the country viewed the matter, but the operation which the Government of this country, and that of France, had undertaken was, to his mind, one of enormous and unparalleled magnitude, and such as it would scarcely be possible for any effort on the part of either Government to carry out. It was impossible that the French Government should design to send less than 6,000 cavalry; they would require at least 3,000 horses for their artillery, and at least 1,000 horses for staff



purposes. Altogether 10,000 horses attached to the forces would have to be sent by both countries to Constantinople; and this would require 100,000 tons of shipping; and it must be recollected that these forces would be sent to a country in which it would be almost impossible to obtain the means of transit on the spot. Therefore, no doubt the difficulties of carrying out the intentions of the Government would be great indeed; and he thought the noble Duke would have to look for further means of overcoming those difficulties. They should at least try to obtain this steam tonnage, because the efficiency of the force would depend a great deal upon their obtaining it.

LORD DE ROS said, that sailing vessels, if they were properly ventilated and fitted up, could convey horses with great safety. When he had been connected with the cavalry, horses had been frequently conveyed in that manner. He had known of forty horses being brought home by one transport, without one of them being injured. Horses were formerly put into transports like so much luggage. This was a matter of great importance; and, although he had no doubt that sailing vessels could carry horses, yet, if steamers could be procured, they ought certainly to be in readiness in order to provide against contingencies.

#### WITHDRAWAL OF TROOPS FROM THE WEST INDIA ISLANDS—QUESTION.

THE EARL OF DESART rose to inquire of Her Majesty's Government whether an arrangement had not recently been made for the withdrawal of troops from the smaller West India Islands? Their Lordships were aware that those islands were garrisoned by detachments of troops from the head-quarters at Jamaica or Barbadoes. Since the beginning of this year some troops had been withdrawn from the smaller islands, to the great alarm of the white settlers, who were apprehensive of the rising of the black portion of the population. The white settlers did not consider the blacks as well affected towards them, as the blacks looked upon them in the odious light of taskmasters. That these apprehensions were not altogether ill-founded was evidenced by an insurrection which had taken place at Tortola in the January of last year. There was no garrison there, and the white residents fled in great dismay, leaving Colonel Chads, who was obliged to send to the nearest place,

which was a Danish island, for aid. Some delay, however, took place before he arrived, as the commander of the vessel did not like to undertake the possibility of sending troops to a British island without the consent of the Government. He believed that after some time the troops were sent there from Antigua, though it was disgraceful that British property, and British territory should have to be protected by foreign arms. Great alarm had, in consequence, arisen among the capitalists of the smaller islands, who were unwilling to trust either themselves or their property there any longer. He believed the withdrawal of the troops was a false economy, as almost the very life of some of the islands depended upon the capital, and the yearly value of the most important island of Tortola alone to 10,000*l*. He wished to know what were the intentions of Her Majesty's Government for the future maintenance of order in these islands? He inquired from private sources, that if Her Majesty's Government thought it was necessary to withdraw these troops from the islands, contributions would be raised in the islands themselves to defray the additional expense of keeping a force which would not amount to more than 15,000*l*. He believed that Her Majesty's ships were to tour the islands from time to time; but he doubted that the moral effect of an occasional visit from a ship would prevail among the disaffected, excitable, and ignorant black population?

THE DUKE OF NEWCASTLE said, the noble Earl has been rightly informed regarding the withdrawal of a detachment of troops from four of the West India Islands, namely, St. Vincent, Tobago, St. Christopher, and St. John. The noble Earl signs a reason which, although not brought into our consideration, was no reason for this measure. He thought the sole reason was economic. The reasons for the course pursued were threefold, the ground of expense the smallest. In the first place, it was found—and it must be obvious—it is so—that the discipline and the management of troops, especially in a climate of the West Indies, are greatly affected by their being dispersed in small detachments stationed at the various islands. The first reason is therefore of a military character. Another

that these detachments are so extremely small (at Tobago, for instance, only numbering eighty-four men), that for any purpose of external defence they are entirely useless, and worse than useless, because in time of war they would only present a temptation to privateers to make a descent upon such islands for the mere purpose of inflicting disgrace upon the arms of this country. That is a second military reason. There is also a civil reason for the measure. The retention of troops in a colony simply for preserving internal order has a tendency to prevent such communities from taking measures, which every community is bound to adopt, to establish a police force in order to prevent or repress internal disturbances. The question of police has been lamentably neglected in these islands. Now experience has shown that a military force, however efficient for the suppression of disturbances, are almost inoperative for the purpose of preventing them. The result of withdrawing the troops from these islands will be to impose on the colonists the duty they have so long neglected, of providing themselves with a police force. Then comes the third reason—that of expense. The maintenance of troops in small detachments is a considerable additional expense to the country, on account of the commissariat establishments, and the cost of transporting the troops. For these three reasons this measure has been adopted. The noble Earl (the Earl of Desart) says, very justly, that considerable doubts have been entertained as to the effect of these withdrawals; and I am not surprised that such apprehensions should arise among people who have been accustomed to have a military force among them. The communities from which the troops are withdrawn will then, however, stand in the same position as others which have never had a military force. The noble Earl also referred to a case in which a disturbance occurred a short time ago in Tortola. I must say that the neglect on the part of the local authorities of that island was most culpable, and that upon their heads, in a great measure, rests the blame of the disturbance which occurred. The noble Earl has supposed that I should tell him that Her Majesty's Government propose to meet the case by occasionally sending a ship of war to visit these islands in order to produce a moral effect upon the black population. I can assure him that I do not entertain any such idea; but an arrangement has been made which I think will be

*The Duke of Newcastle*

more effective for its purpose, and will obviate the evils which have been referred to. Her Majesty's Government have placed at the disposal of the Governor of Barbadoes and the commander of the forces there a steamer for the conveyance of troops, at a moment's notice, to any of the islands where they may be required. I believe that, by the concentration of the forces, you will obviate all the evils which I have pointed out; and you will also, I hope, obtain the advantage of producing among the colonists an impression that they must establish a police force which will not merely be adequate to the duties which the military have hitherto performed, but will be much better fitted for their performance. The noble Earl is right in saying that an offer was made by some of the colonists to contribute 15,000*l.* if the troops were allowed to remain. The payment of that sum would, however, only remove one of the reasons for the concentration—the saving of expense; and I am sure, if that or a smaller sum is expended in the establishment of an effective police force, the colonists will have no reason to regret the step which has been taken. Your Lordships will find that by the adoption of this plan you will have a much more efficient military establishment, and will avoid the demoralisation of the troops, which I am sure any one who has been connected with troops in these islands will bear me out in saying that I have not exaggerated. Let me add that the policy which the Government has adopted is not to be limited to the West India Islands; it is but part of the system of policy to be pursued in regard to all our colonial possessions. In Canada, for instance, every effort is being made to concentrate the troops. Many small posts, which have been maintained since the war, have been removed, and the troops have been withdrawn to more considerable stations. I have myself recently carried out measures of a similar character in the island of Mauritius. My opinion is that, as a general rule, it is undoubtedly the duty of this country to protect our colonial possessions from foreign aggression at all hazard and all expense; but we are not bound to maintain an army in every small colony, and in every portion of a colony—for it really amounts to that, if you once establish the principle that each West India island is entitled to a force to supply the place of police;—and I think we have done right in departing from such a practice.

EARL GREY said, he fully concurred with the noble Duke in thinking that this country was not called upon to provide a force for the performance of police duty in the colonies. He had also no doubt of the validity of the military reasons which had been assigned by the noble Duke for the withdrawal of the small detachments of troops; and therefore the measure, if carried into effect with due precaution and in a proper manner, appeared to him to be a judicious one. That such precaution had been taken he did not doubt. The case of the West India Islands differed in some respects from that of other of our colonies. This country had made great sacrifices for the purpose of establishing, upon the abolition of slavery, well-ordered and industrious communities in those islands. The success of the experiment depended upon the small white population being enabled for some years longer to continue in those islands; and if the white planters and higher classes of society were by alarm induced to leave those colonies at an earlier period, he was afraid that they would relapse into a state little better than their original barbarism. He therefore trusted that, in carrying the withdrawal of troops into effect, care had been taken not to give the population any unnecessary alarm; and also to give them time for making any arrangements which the measure might render necessary, and to ascertain that the proper time for the withdrawal had come. As it seemed to be a part of the arrangement that the troops should be concentrated in Barbadoes, he hoped that the arrangements for providing for the health of the troops in those barracks, which two years ago were absolutely necessary, had been carried out. At the time he referred to, nothing could be more unsatisfactory, in regard both to drainage and other matters, than the state of those barracks.

THE EARL OF ELGIN said, that having had many years' experience in the administration of public affairs in some of the most important dependencies of the British Crown, and therefore having had greater opportunities than most of their Lordships of knowing the feelings and sentiments of the colonists, he would beg to make a few remarks on the general relations which ought to subsist between the colonies and the mother-country in reference to the management of their internal affairs. It was his opinion—and he believed the good sense of the colonists in general would

concur with him in that opinion—that it was, except under some special and peculiar circumstances, just and reasonable that the colonists should be required to provide at their own cost such forces, whether civil or military, as might be requisite for the protection of internal tranquillity, and of their internal police—he would go further, and say also for their protection against such measures of aggression as they might be exposed to in consequence of any acts of imprudence of their own. But, upon a parity of reasoning, he thought that the colonists had a very strong claim upon the protection of the mother-country against such casualties and calamities as might be brought upon them by the operations of the imperial policy, over which they had no power of exerting any influence or supervision. Such, he thought, was a fair representation of the equity of the case as between the colonists and the mother-country; but at the same time that did not exhaust the whole difficulty of the subject; for it was natural that the people of this country, looking at the vast extent of our colonial empire, and at the progress towards maturity which some parts of that empire were making, should inquire whether the time had not come when some of these young and vigorous communities might contribute something by way of aid and co-operation to the mother-country, in return for the cost and labour which the mother-country had lavished on them during the period of their infancy and childhood. Upon this point, it appeared to him that when this country deliberately abandoned the system of commercial restriction in respect of our colonial empire—which, whatever its other advantages or disadvantages, threw over the economical relations existing between the mother-country and the colonies a veil of mystery that was wholly impenetrable—we left the question in such a position that the maintenance of the connection between the colonies and the mother-country ceased to be either desirable or practicable on any other grounds than those of heartfelt affection and constitutional sympathy on the part of the colonists, and the sense of the advantage of the protection afforded by the mother-country. He believed that the institutions which the colonies now enjoyed under the protection of England were as legitimate objects of affection and pride, as well calculated to promote their material and social well-being, and as favourable to progress, as any institutions which they might expect

to obtain in exchange if the connection between them and the mother-country were severed. The contentment and loyalty which now prevailed in Canada, not among one class or race, but among all classes and all races, were, in his opinion, not less the result of the growth of that conviction, than of the belief that the Parliament and Government of this country were prepared to entrust the colonists with the powers of self-government and the control of their internal affairs. He was sanguine enough to hope that, if no untoward accidents should occur to mar the good feeling which now existed, we should, at the proper time, find that the colonies which were advancing to maturity were conscious of the responsibility which attached to them; and that, in a righteous cause, for the defence of the weak against the strong, of the oppressed against the oppressor, of the victim against the persecutor, they would show that they were anxious to share the glories of Englishmen, and were not unwilling to partake of their sacrifices and their burdens.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Thursday, February 23, 1854.*

MINUTES.] PUBLIC BILLS—<sup>o</sup>1 Lillington Cattle Market; Valuation (Ireland) Act Amendment.

### DUBLIN HOSPITALS.

MR. GROGAN, in moving for a Committee of Inquiry into the grants made to the Dublin hospitals, said, he felt he should not be doing his duty to his constituents, if he omitted to take another opportunity of endeavouring to arrest the gradual and certain destruction of the hospitals and medical schools of Dublin, if the diminution of the usual grants were persevered in. The position of those hospitals, compared with that of some kindred institutions in England, would be seen when he stated, for example, that St. Bartholomew's and St. Thomas's hospitals in London had respectively an income of 32,000*l.* and 25,000*l.* a year from land conveyed to them by the Crown; while the five or six hospitals in Dublin had only about 12,000*l.* a year among them. Previously to the Union between this country and Ireland all the hospitals but one in Ireland were supported by Government grants, but since then many of such grants had been discontinued, and the hospitals necessarily im-

*Earl of Elgin*

poverished. Since the Union, also, so many of the wealthy had left Dublin, that the inhabitants of that city were no longer able to contribute as they had done to its charitable institutions, which, however, at the present time needed more support than ever, since, although the wealthy had departed, the poor had remained; and, although Dublin was no longer the residence of the great and powerful, it was at least the asylum for the weak and oppressed. With regard to the institutions themselves, having on a former occasion gone into considerable detail as to the accommodation which they were capable of affording, he did not think it was necessary to trespass on the attention of the House by going over the same ground again. He might simply remark, that the great number of patients relieved in them every year was a sufficient proof of their value and importance to the suffering poor. It appeared from a Parliamentary paper on the table of the House, that during a period of three years no fewer than 46,460 persons were admitted into the various hospitals of Dublin. These hospitals were of the greatest utility as medical schools, and in that point of view alone the question was deserving of consideration, for if the hospitals were allowed to go to decay, the medical students would only have the poor-houses to resort to as schools of practice. The consequence of the rule which had been adopted had been severely felt in a social point of view in Dublin, for it was found that, in consequence of the reduction of the grants, and the consequent diminution of hospital accommodation, many individuals had committed crime for the sole purpose of being sent to gaol, and obtaining there that medical relief which had formerly been supplied by the hospitals. He held in his hand a letter from the governor of one of the Dublin gaols, in which he gave a long list of persons whom he had questioned as to the cause of their being sent to prison, and who avowed having committed crime from a desire to obtain medical accommodation in gaol. Before the reduction of the grants such a cause of crime had never been heard of, and it became then a serious question for that House to consider whether so dangerous a state of things could be allowed to continue. There had been a great deal of agitation in Dublin on the subject; petitions had been presented from all the various local Boards against the diminution of the grants, and, in fact, all men in that respect



were of one mind. The present Lord Lieutenant, on his arrival in Ireland, expressed a very decided opinion in favour of their maintenance. His Excellency on that occasion expressed a hope that there would be no further diminution of the grants; and in the month of February last year, in replying to the address from the corporation of Dublin, the noble Earl acknowledged that the charitable institutions of that city had peculiar claims to the aid which they received from the public purse. There was another reason why a portion of the public funds should go to the support of the Dublin hospitals. It appeared from a Parliamentary paper, that the average number of men in the garrison of Dublin during the year 1849 was 5,988, of whom 628 were assisted in one of the city hospitals; in 1850 the average number of men in garrison was 5,916, of whom 578 were admitted into the hospital in question; in 1851 the number in garrison was 5,444, in hospital 523; and in 1852 the average number of men in garrison was 6,232, and in the hospital 545. He therefore asked if it was fair that the citizens of Dublin should be obliged to provide hospital accommodation for Her Majesty's troops? All the hospitals to which he was anxious to direct attention, with the exception of one, were established previous to the Union with England. In the articles of the Treaty of Union there was a stipulation to the effect that the grants made to the Dublin hospitals should be continued for a period of twenty years. The Imperial Parliament continued these grants not only for twenty years, but for a much longer period of time, and even assisted in the establishment of other charitable institutions—a circumstance which showed that in the view of the Government of the day Dublin had just claims, in consequence of the injury it had sustained by the loss of its Parliament and the withdrawal of its wealthier classes to London. However, in the year 1817, the system of consolidation and centralisation began to be acted upon by that House, and had continued to be acted upon ever since, and reductions were made in most of the grants. In 1829 a Select Committee was appointed to inquire into the miscellaneous expenditure of the country, and they recommended that the Irish Government should institute a strict inquiry into the system on which they were distributed, and also laid down as a basis upon which alone the continuance of them

could be justified the proved utility of the charity receiving them, the improbability of its being kept up by private contributions alone, and the strictest economy of expenditure; and he could only say that he was quite willing that the continuance of all the present grants should rest on these conditions. No attempt was made to follow up the recommendation of the Select Committee till the year 1842, when Earl de Grey, the then Lord Lieutenant of Ireland, appointed a Commission of three gentlemen of high independence and impartiality, and in every respect competent to discharge the duty entrusted to them, to conduct the proposed investigation. The Commissioners examined minutely every detail connected with the state and management of the Dublin hospitals, and in their Report, while they suggested some alterations and improvements in the working of the institutions, they recommended that the grants should neither be diminished nor abolished, basing their recommendation on the very grounds laid down by the Select Committee of 1829 as those upon which the continuance of the grants could alone be justified—the proved utility of the institutions, the improbability of their being maintained by private endowments or the voluntary contributions of the citizens of Dublin, and the introduction of the strictest economy into every department of the management. At the time when that Report was made, the property of the city of Dublin was valued at between 700,000*l.* and 800,000*l.* a year; it was now less than 600,000*l.*, and consequently the local charities had now more need of public aid. It would perhaps be remembered that at a former period, when the subject was under consideration, the Government said they were unable to resist the Report of the Commissioners, that it was very strong and favourable, but that the local interests and feelings of the gentlemen who had drawn it up might perhaps have prejudiced their judgment. That such an objection might not be taken now, he asked the House to appoint a Committee of independent English gentlemen, and he was prepared to abide by the opinion they might form after a full investigation of the matter. The Select Committee appointed in 1847 to investigate the miscellaneous expenditure recommended that the grants to the Dublin hospitals should be subjected to a process of gradual diminution of 10 per cent. with a view to their ultimate abolition, a decision diametrically opposed to

that of the Commission appointed in 1842, and which he thought the House could hardly be prepared to approve, seeing that, while the Commissioners of 1842 did investigate the subject, the Select Committee of 1847 examined one witness only—the notorious Mr. Duncan Chisholm—a gentleman who afterwards considered it necessary to leave Ireland under such very painful and extraordinary circumstances, that it was not going too far to say that no reliable or trustworthy evidence was given by him to the Select Committee. All he asked was, the appointment of a Committee of independent English gentlemen to investigate the whole subject; and if they decided that the Dublin hospitals did not comply with the conditions laid down by the Select Committee of 1829, he would be quite willing that the grants should be left alone.

*Motion and Question proposed,*

“That a Select Committee be appointed to inquire into and Report upon the expediency of the Grants made from the Public Funds to the Hospitals in the City of Dublin, and how far the circumstances of these institutions, and their utility as a Medical School, require the continuance of such Grants.”

MR. J. WILSON said, there was one point in connection with the Motion which he wished to allude to before making any observations upon the speech of the hon. Gentleman who had introduced it. If hon. Members would refer to the notice paper, they would there find that the hon. Member for Dublin had given notice of Motion simply in these terms—“Dublin Hospitals.” Now he (Mr. Wilson) would appeal to the House whether that was a fair way to deal with the Government, and then to conclude with a Motion for the appointment of a Select Committee. Notwithstanding that every effort had been made yesterday to ascertain the terms or the nature of the Motion, the Government had been unable to gain any information as to what the hon. Gentleman meant to propose, and they were in entire ignorance of the object he had in view until he himself rose to explain it. He (Mr. Wilson) therefore trusted that in future hon. Gentlemen would favour Government with a more explicit statement before asking them to agree to a Motion in which the public expenditure was at stake. But, if he complained of the mode in which the hon. Gentleman had given his notice of Motion, he did not complain of the reasonableness of the Motion itself. The House

*Mr. Grogan*

was asked to appoint a Committee to inquire into the claims of the Dublin Hospitals to support, and that the Committee so to be appointed should be composed entirely of English Members. He thought the latter proposition would, if adopted, be invidious, and he should be glad if the House could have the assistance of Irish Members upon the Committee. He ought, however, to state to the House that while he felt the great importance of hospitals in every large city, and especially in a capital which was the residence of a great portion of the poorer classes of a country that had been afflicted by famine and other calamities, he must at the same time lay down the principle, that unless Dublin could show some peculiar claims, which did not exist with regard to other places, he did not think that House was called upon to rescind a resolution come to by a Committee in 1847, the object of which was to bring Dublin hospitals into harmony with those of other parts of the Kingdom. In 1847 a Committee of that House came to the unanimous resolution that the grants for hospitals, which began with an Article in the Union, were continued in accordance with that Article, and had been continued since by Parliament, but ought to be reduced from time to time. The reduction was first fixed at 20 per cent, but afterwards Government consented that it should be 10 per cent; and, before the grants could be exhausted under the resolution he referred to, no less a sum than 35,000*l.* would be paid to the Dublin hospitals. His own opinion upon the matter was, that the House ought, as quickly as possible, to put the hospitals in Dublin in the same condition as those of other large towns throughout the Kingdom.

MR. COWAN said, he thought it reasonable that, if Government grants were to be given to the Dublin hospitals, those in Edinburgh should be similarly treated. He did not think it was wise for the Government to consent to the appointment of a Committee, because he thought it would be holding out hopes to the people of Dublin that the grants would be augmented, or, at all events, continued in future. He must compare the proposition of the hon. Gentleman (Mr. Grogan) with the case of a man, who, believing himself unable to walk, supported himself upon crutches, but who, ultimately following the advice of his physician to abandon them and trust to his own resources, began to improve rapidly. Nothing could be more prejudi-

cia to an institution than to rely for support upon the State. He believed State support tended very much to do away with the exercise of that Christian charity which was the means of affording so much benefit to the humbler classes, and he therefore thought it unwise to appoint a Committee, and thus hold out hopes of the continuance of the grants. He would take that opportunity of calling the attention of the Government to the fact that the House of Refuge in Edinburgh had for some time rented an old house of the Board of Ordnance, but that recently the Government had determined upon selling the premises, and the governors of the House of Refuge had been compelled to pay a sum of 5,000*l.* to the Government to prevent the inmates of the house, amounting to between 300 and 400, principally poor Irish, from being turned out of doors. He thought the charitable exertions of the people of Edinburgh in this case might operate as a good example to the people of Dublin.

Mr. VANCE said, the claims of the hospitals of Dublin to assistance from the State were metropolitan and general, instead of local. A habit had sprung up of late of treating London as the only metropolis of the Empire, and, in order to establish that position, nearly all the great institutions of the Kingdom were transferred from Dublin and Edinburgh here, thereby effecting a system of centralisation to which the eyes of both the Irish and Scotch had at length been opened, and which induced them to put forward their claims to a portion of the State expenditure. He thought there would be no difficulty whatever in proving that London did not maintain its hospitals, and that Dublin could not. Dublin was no longer a city of the wealthy. It was true the Act of Union only provided for the payment of these grants for twenty years, but twenty years after the Union they were wanted more than ever. Other grants for the encouragement of agriculture and other purposes had been taken away, but the Irish Members surely would not allow this wretched pittance to be withdrawn from the Dublin hospitals. Formerly the amount of the grants made to Ireland from the Imperial Treasury amounted to 150,000*l.* a year, which was guaranteed to Ireland by the Act of Union. That sum had been gradually reduced; but they were determined now to make a stand upon the wretched pittance of 11,000*l.* a

year which it was attempted. The citizens of Dublin had of their private resources, these hospitals, considering claims upon them for the ailments of humanity. What the Union had conferred upon the land, it had plunged the city into poverty. He was certain Ireland would be gratified if the Government had consented to the recommendation of this Committee.

Mr. VERNON SMITH, unable, from the mysterious Motion, to go into statistics but, as Chairman of the the Miscellaneous Estimate, commended the gradual diminution to the Dublin hospitals, he to vindicate the decision of the Committee. The question was one of principle. The Committee fully agreed with the Secretary to the Lord Lieutenant stated that the tendency of the Government was to charitable institutions at the expense of private benevolence. It was a reason why the House of Commons should continue these grants, that the Members were all agreed that they should be reduced; but it was a fact that in the worst days of the Union, when faction was rampant, the Irish Members had always the propriety of taking away money from England as they had hoped that now that the days had commenced in Ireland when the Members would not have come to support institutions which Ireland ought to support that they ought to take a higher tone and depend upon public grants if they could be provided by private benevolence. He thought the decision of the Committee which recommended the reduction of these grants a salutary one should, therefore, recommend the House to abide by that decision.

Mr. P. O'BRIEN said he would remind English Members that the hospitals in this country were maintained by private benevolence, and that the sum of the London hospitals which was only 31,000*l.* was derived from voluntary sources.

Sir JOHN YOUNG said he fully believed in Ireland that certain peculiarities of the country which rendered it desirable that a certain amount of support should be given to

that city. It was, therefore, desirable that these peculiarities should be inquired into, and, if it could be shown that there was no ground for these grants, and no peculiarities which distinguished Dublin from other cities, then let them be withdrawn. There were fourteen Dublin hospitals, supported in part by public grants, and a vast number of others, maintained by private benevolence, which received no public grants. He thought the Committee might usefully inquire whether all these hospitals were really necessary for the city of Dublin, and whether money was not frittered away in rents and salaries to officers in these separate establishments. It might be found that, by an amalgamation of some of these charities, the private subscriptions now raised would be sufficient without Parliamentary grants. The people of Dublin subscribed largely for charitable purposes, and if the funds of these hospitals were economised, and if the hospitals having similar objects were amalgamated, he did not doubt but that sufficient funds would be found to be at present raised in Dublin for the relief of the sick and infirm.

Mr. J. O'CONNELL would recommend that, pending the decision of the Committee, the annual reduction in the grant should cease. The citizens of Dublin gave a great deal in charity, and he did not doubt that it would come out before the Committee that there was good reason for continuing these grants.

*Motion agreed to.*

#### EDUCATION—(SCOTLAND).

THE LORD ADVOCATE: \* Sir, I rise, in pursuance of the notice which stands upon the paper for to-night, to move for leave to bring in a Bill to make further provision for the Education of the people in Scotland, and to amend the laws relating thereto. I feel that I need say nothing to bespeak the candid consideration and indulgence of the House in the discharge of my duty on this question. Its importance and its difficulty speak sufficiently for themselves. Its importance no one doubts, and its difficulty is only too notorious. There is no question on which so much difference of opinion exists; and none in which difference of opinion, even on points the most abstract and theoretical, creates so many practical obstacles. We had, the other night, a very interesting discussion on Education in England; but there was certainly nothing in the substance or result of that discussion to affect

*Sir J. Young*

the truth of this remark, or to remove the difficulties which beset me. And yet I cannot help giving expression to a feeling which constantly comes over me, that difficulties arising from differences of opinion on abstract principles ought, on such a subject, to give way before any earnest and honest endeavour to remove them. At first sight one would think that, with means at our command, and hearty goodwill in the cause, the teaching of the children of this country ought to be the simplest and easiest of all public duties. It might be expected to be the very last battle-field which the dogmas of contending sects, or polemical dissension, should select for conflict. Even if the question were regarded as relating to an ordinary work of philanthropy and benevolence, it might be thought, that all good men would willingly unite to merge their differences of opinion, in order to rescue the rising generation from an ignorance, of which it is scarcely too much to say, that it is often as bad as the worst of creeds, and as fatal as the most fatal of heresies. And this all the more, when it is recollected that the education of the people is a matter, not of choice, but of duty; and that every citizen who comes to years of maturity without having had within his reach the means of ordinary instruction, reflects discredit on the Government under which he lives. There are, however, circumstances under which men proverbially forget their mutual differences, and unite in common action; and such I take to be the circumstances under which this question of education forces itself upon our consideration. Thanks to the negligence of former generations, and our own, it is no longer a mere question of philanthropy, or a mere question of duty, but it has become a question of self-defence. If we do not encounter and overcome the ignorance of the people, the ignorance of the people will overwhelm us. The plain truth is this, that with all our boasted prosperity—while we are founding dynasties in another hemisphere, and bringing our argosies home from the ends of the earth—while we are extending the cords of our political freedom, and making strides in science, and arts, and civilisation, there is all this time growing up in the very heart of our social system, in the very centre of our mighty cities, and at the very base and root of this immense community, what I do not err in terming a savage and barbarian race, tied to you by no sympathy, bound to your in-



stitutions by no common link, inheriting with their blood, the energies and the passions, as they do the thews and sinews of the race from which they spring; but with those energies unsoftened by any humanising influence, and those passions unrestrained by the knowledge of any duty, either to God or to society. I do not say this merely by way of declamation. Those who have been accustomed, as it has been my duty for some years, to look beneath the surface, and be conversant with the statistics of crime, know that what I now say is no exaggeration, but plain, simple, lamentable, and fatal truth. Fortunately, various elements, the increase of emigration, and general employment and prosperity, have to a certain extent relieved, during late years, the immediate pressure from this source. But the danger from it is as imminent as it is undoubted, and it must be met, not by a mere patronising sympathy with the ignorance of the lower orders, but with action of such energy as men use when an enemy is at their very gates. We shall never deal with this question rightly except on the assumption that there exists at the very foundation of society a flood of deep, unfathomed, pestilential waters, which, unless prompt measures are taken, any upheaving of our social system may cause to burst their barriers, and sweep us and our boasted institutions to destruction.

I would not be understood, by these remarks, as indicating that anything that I now have to propose, on the part of the Government, is at all likely to be adequate to meet the evils I have now described; but I have thus introduced my observations for the purpose, in the first place, of reminding the House that, whatever is to be done, there is no time to lose. It is one of the miserable consequences of past neglect, that any remedy we apply must be the work of time, while the evil itself is impending and increasing. We have now for twenty years been discussing the modes, and forms, and theories of education. During all that time I do not say that nothing has been done; but our efforts have been so partial and capricious, that very little has been done to reach the real root of the evil; and, in the meantime, three generations of schoolboys have become men, and will constitute a large proportion of that world of which we ourselves will have to deal for the future. I therefore trust that, at all events, the House will come to the resolution of delaying no longer in com-

mencing this important work. And the other object I have in view is to induce the House to consider the propositions that I have now to make in the spirit of self-defence, and, while the battle of opinions rages out of doors, to claim a candid co-operation from the representatives of the people within this House, whose province it is as much to moderate as to reflect them.

The proposal that I have to make does not profess to be framed upon any abstract principle, and I fairly own I am perfectly indifferent as to whether or no it may be supposed to fulfil any given theory of education. We may go on long enough before we can frame a method of education which shall conform in all its parts to any abstract principle. My great object and desire is to accomplish the practical purpose of educating the people; and if that object be well attained, we can afford, I think, to dispense with the discussion of theories. I may, however, say, at starting, that, as a matter of opinion, I hold very strongly that no measure of education will be effectual for its object which depends for its efficiency on optional or voluntary effort. A great deal, no doubt, may be done, and has been done, in this way; but the necessary effect must always be, that many places, and those generally which stand most in need of education, are completely neglected. In Scotland we have had, for nearly three hundred years, an established system of education—an advantage not enjoyed either by England or Ireland—which is founded on the principle, that the State has a duty to discharge in educating her citizens, and is bound to make provision for this object which shall not be dependent on merely voluntary exertions. I shall not here stop to argue the question whether there be or be not such a duty binding on the civil community. It is enough to say that such is the principle on which education in Scotland has for centuries been founded. In every parish there must be a school, and that school maintained, not at the will of the parishioners, but by a burden imposed by law on the land. Such is the system which I am desirous of extending; nor have I any fear that, in the present state of society, too much is at all likely to be done in the cause of education, or that there is any danger of voluntary efforts being unduly discouraged by national prodigality.

A difficulty, however, that obviously stands in the way of even the first step

towards obtaining this object—not one of those difficulties to which I have already alluded, but one much more real and practical—is the want of definite information as to the real amount of destitution which is to be remedied. It is obvious that no remedy can be applied without the imposition of additional local or public burdens; and it is as impossible to impose these burdens without knowing something of their probable amount, as it is to ascertain, with anything like accuracy of detail, the real extent of the evil which it is necessary to meet. It has accordingly been suggested, that, before proceeding to legislate on this subject, the necessary statistical information should be first obtained, either through the machinery of a Committee of this House, or a Crown Commission. I am happy to say that the Government have not thought it right to adopt either of these alternatives, as, while the result of either of them would have been doubtful, and would have been quite as likely to have increased as to have diminished existing difficulties, the question itself would have remained in a state of abeyance, in which it is both undesirable and impossible to leave it. The course, accordingly, which the Government propose to adopt on this part of the subject is one to which I hope to obtain the ready assent of the House. It is proposed to establish, under the cognisance of the General Board (the constitution of which I shall hereafter explain), a system of educational inspection, on a scale considerably more extensive than any that has been before attempted either in England or Scotland. The object of that system of inspection will be, among other things, to obtain a complete educational survey of the whole of Scotland. It is proposed, that within two years—that is to say, in the Parliament of 1856—the inspectors shall furnish the Board with materials which shall enable them to lay on the table of Parliament of that year a detailed account of the educational statistics of Scotland, showing not merely the amount of educational destitution which prevails, and the number of schools that exist, but descending into details much more minute, and enabling Parliament and the public to ascertain that in this town and in that, in this country district and in that—nay, even in particular streets or localities—so many families do or do not send their children to school. I hope, Sir, that in this way, by having such a statement as this placed on the table of this

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House, and revised from year to year, we shall take a most important step with the view to the remedy of the evils I have described. What is fairly begun, is said in common proverb to be half done. It is at least important, with a view to a cure, to know where the evil is, and what is the extent of it; and when that is proclaimed in public documents from year to year, to the people of this country, and to Europe, it is almost certain that before long an effectual remedy must be provided. On these statistics I hope to see built a thorough system of reformatory schools, and that, when knowing with accuracy where the hotbeds of crime are, we may establish, on a scale proportionate to the necessity, that part of our educational system to which, in my opinion, we must ultimately look as our most material rampart against the increase of social depravity. I hope, also, to see carried out on these statistics—to a certain extent, at least—the principle of compulsory attendance at school. I should wish to see the principle acknowledged and acted on, that as it is the duty of a parent to maintain his child, and the law punishes him if he is able and refuses to maintain it, and if he be unable the State provides for its maintenance—so it is the duty of a parent not to allow his child to grow up a savage in a civilised community; that he is as much bound to provide for its moral as for its physical wants; and that the law is entitled to compel him to the performance of duties which he owes to society. To what extent this principle can be carried out, is a different question. Such, however, is the process of inquiry by which I hope, at the end of two years, that Parliament will be furnished with the means of constructing a complete and perfect system of national education. And, until these are obtained, it is obvious that it is impossible to institute any system that can adequately meet the emergency.

But, of course, it is not the intention of Government to rest satisfied with these preparatory measures. There is much that may be done at present; and I shall now proceed to explain to the House the additional provisions it is proposed to introduce.

This leads me necessarily to proceed to consider the position of the parochial schools of Scotland, and the alterations which it is thought necessary to make with regard to them. I have already said that Scotland has the advantage of a school

supported by public funds, established in every parish; and, although not much to our credit, that system was almost as extensive 250 years ago as it is now; the advantages which Scotland has derived from it have been so great, and so notorious, that for long she was quoted as an example, and, in some degree, is still renowned, for the superior education of her people. I should be the last man to deny the unquestionable benefits which these schools have conferred upon the country; but it is as impossible to deny that the wants of the population, and the nature of society, have altogether outgrown the materials of which that system is composed. In the first place, the salaries of the schoolmasters are altogether inadequate; and this subject, indeed, forms one main reason for immediate legislation.

It is well known to most of the hon. Gentlemen whom I now address, that the parochial schoolmasters of Scotland are paid by the landed proprietors of the parish, at a rate which is determined by a certain amount of grain, converted according to certain fixed modes of calculation. The amount of grain was last fixed by the Act 43 Geo. III. c. 54. By that Act it was provided, that the price or value of the grain salary should be struck every twenty-five years; and in 1828 these prices were fixed, giving 34*l.* as the maximum salary, and 25*l.* as the minimum salary payable to the schoolmasters. The minimum is what the heritors were bound to give; the maximum, the amount which the heritors, as a body, could resolve to give. The House will very well understand that remuneration of this amount has come to be in many—or, indeed, I may say in all—cases very inadequate, and entirely insufficient to attract to the position men of the necessary education, intelligence, and character. Indeed, the wonder rather is, that, with such remuneration, so many men of ability and attainments have found their way to the parish schools. Even under the conversion of 1828, I should have thought that Parliament would have done great injustice to the parochial schoolmasters, a most ill-paid and meritorious body, if they had been allowed to remain in that condition. But the second cycle of twenty-five years expired last year. The value in money has been struck anew, and, owing to the fall in the price of grain, the salaries to which the schoolmasters are restricted, unless Parliament interferes, are a maximum of 25*l.* and a minimum of 19*l.* I think the House

will agree with me, that Government have rightly resolved not to allow the parochial schoolmasters to remain in this position of hardship. It is proposed to abolish entirely the payment in grain, though not to relieve the heritors of the burden of maintaining the parochial schoolmaster, but to fix the amount payable by the heritor at the present maximum of 34*l.*; and, at the same time, it is proposed, that no parochial schoolmaster shall have a salary less than 50*l.*, the remaining 16*l.* being paid out of funds to be voted by Parliament to the Privy Council, and to be administered by them. This sum of 50*l.* will be exclusive of school-fees and other remunerations of that kind. There are other provisions for improving the position of the schoolmaster. At present, miserable as the salary is, the schoolmaster has no retiring allowance. It is intended to propose that, subject to regulations to be described in the Bill, a schoolmaster incapacitated for his duty should be entitled to a retiring allowance of 25*l.*, of which one-half should be furnished by the heritors, and the other half by the Privy Council. In this way the Bill will provide against what has been found in Scotland a great evil, that, pinched as the schoolmasters are by inadequate payment during their best days, even the most meritorious have no fund to fall back upon in old age, and, however incapacitated or unfit to discharge their duties, they are compelled to hold by their position to the last, to the great detriment and injury of the cause of education, and to the great scandal of the country at large. With regard to house accommodation, the Act of 1803 provides, that the schoolmaster's house shall not consist of less than two rooms and a kitchen. The proposition now made is, that it shall, in future buildings, consist of not less than three rooms and a kitchen. Such, then, are the proposals that are made with respect to the position of the schoolmaster. And if his position be thus ameliorated at the public expense, I proceed to consider whether any change should be made in the law with regard to the superintendence of parish schools, and the election and qualification of schoolmasters? This leads me to mention a subject, which undoubtedly excites a great deal of interest in Scotland, I mean the subject of the test, which it is necessary for every parochial schoolmaster to take before his election. It is well known to the House that, under former statutes, to which I need not refer in detail, all schoolmasters in the parish schools,

and professors of the Universities of Scotland, were obliged to profess their adherence to the doctrines of the Confession of Faith, and to the Church of Scotland, as by law established. Looking to the altered circumstances of society in Scotland, Parliament last year repealed this law as regarded the Universities, and the question naturally arises, is it still to remain in force in the parish schools, in regard to which it has always been stringently observed? It has been urged with great force and anxiety that it would be undesirable in the meantime to interfere with this test, and so disturb the connection between the Established Church and the parochial schools, before being certain that we have a better system to put in its place. But, after much consideration, Her Majesty's Government have come to the conclusion, that it is not desirable that this state of the law should any longer continue. The words of the clause of the proposed Bill relative to this subject are very few and conclusive, and I hope will put an end for ever to a controversy which has too long waged. They are, "It shall not be necessary for a Parochial Schoolmaster to subscribe any Test, Confession of Faith, or Formula." If this provision had been conceived in a spirit of hostility to the Established Church, or with any desire to diminish the security which now exists for the religious teaching of the people, it would deserve to meet with an opposition which, as it is, I have great hopes it will not receive. For how does the case stand as regards this exclusive test? It is proposed, by means of public money, to place these National Schools in a much more efficient position; and when national funds are to be devoted to such a purpose, I declare I do not know by what argument, by what process of reasoning, by what course of logic, I could defend the maintenance of a system, which restricts the choice of teachers in these schools to less than one-half of persons qualified in Scotland. In Scotland we have the reputation of being very keen in polemical disputes. It is said, we set so much store by ecclesiastical differences, that no two Scotsmen can be found to agree upon such subjects. But persons not acquainted with the nature of society and opinions in Scotland, may draw very erroneous conclusions from these ecclesiastical differences, and fall into great practical blunders, if they imagine that these disputes necessarily prevent mutual co-operation on such a subject as

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education. These contests relate entirely to questions of Church government. In creed and belief, the country, taking it in its general aspect, is not only substantially, but completely, agreed. All the different bodies of Presbyterians, the Established Church, the Free Church, and the United Presbyterians, comprising, certainly, nineteen-twentieths of the population, hold by the same Confession of Faith, and teach the same Catechism; and of all the schools in Scotland, I am not above the mark in saying, that 95 per cent teach the very same doctrines in the same way and out of the same books. The substantial question, therefore, in regard to the retention or the abolition of this limitation of the field from which schoolmasters may be chosen, must be considered with reference to this state of circumstances. Is there any ground or reason, at a time when the public resources of the country are applied for the improvement of the parochial schools, for maintaining a provision by which, out of 5,000 persons admittedly qualified in creed and in acquirement, the choice is to be restricted to 2,500, merely because they belong to a different communion without any difference of creed? It appears to me, that this provision, therefore, is inevitable, and I cannot doubt it will be adopted by the House. I am sure that it will receive the strong approbation of the country, and I believe the approbation, also, of a large body of the lay members of the Established Church. If I might take the liberty of giving one word of advice to my friends of the Established Church—and though, unfortunately, I no longer belong to her communion, I give that advice with anything but a feeling of hostility—I should say, that I know nothing that militates so much against her efficiency and influence as the subsistence of this exclusive test. It keeps alive animosities; it promotes dissensions, by which the Established Church has nothing to gain, and everything to lose; it gives strength to those who have an interest in fomenting divisions, and interferes with the active discharge of her duty, by distracting her energies from her proper work. However important the questions of Church government may be that divide us, I see no reason why we should have contending schools established by contending sects. I have no desire to see that; I should wish to see the children of our parishes meeting together in the same school, reading out of the same books, and taught their common creed: and there is



no reason whatever why they should be debarred from companionship at schools because of ecclesiastical controversies, in which it is time enough to instruct them in maturer years.

The test, then, being abolished, and the elected body being left free to choose the best qualified candidate, the next question that occurs is, Who are to be the electing body? It is not proposed by this Bill to make any alteration in the existing law on this subject. The election of the parish schoolmaster, except in the case which I shall immediately mention, will remain as now, subject, however, to examination by the inspector of the district, and the approbation of the General Board. The election will thus be vested in the heritors and the minister of the parish. But there is a further question as to the hands in which the ordinary management of the school ought to be vested? At present there is no controlling power over these schools, except the general superintendence of the presbytery of the district. I certainly did not consider it as important to interfere with the superintendence of the Presbytery as to remove the test. But in this revision of the existing system, the question of real importance is, whether the superintendence by the presbytery be or be not efficient. It is desirable to provide for the superintendence of these schools in the way most likely to be conducive to public advantage. Now, with all respect to the Established Church, I have no hesitation in saying that, for the period of a full century, until twelve or fifteen years ago, the superintendence of the presbytery over the parochial schools was in most cases little better than a name. Under this system it is notorious, and no one who has any practical knowledge of the subject can deny, that in many instances the parochial schools have, in the course of the period I speak of, been debased and degraded beyond all imagination. Indeed, a body constituted like the presbytery cannot efficiently superintend the schools within its district. Meeting at long intervals, and scattered over a territory embracing sometimes many and distant parishes, it is obviously impossible that these church courts can accomplish the necessary supervision. I do not mean to say that, even if this objection had not existed, it would have been right or desirable to have continued the superintending power of the presbytery. But, as it is, and looking to the unquestionable fact, that the present

system has not proved efficient, it is proposed to abolish it entirely.

It is proposed, accordingly, to leave the superintendence and management of the parish schools in the hands of the electing body, the heritors and minister of the parish, with a power of inspection by the inspector of the district, and under the control of the General Board. The management is left in their hands on two grounds: in the first place, because the burden of maintaining these schools is left with the heritors; and in the second place, because I freely and frankly confess, that, while anxious to remove defects and obstacles, I am not desirous of sweeping away entirely the existing machinery of these schools until we are ready to provide a system which has been found to be better. Sir, it does not appear to me that by thus removing limitations on the power of election, and vesting the management of these schools in the heritors and minister, subject to the General Board, instead of in the presbytery, we do anything which can be considered, even if the provisions of the proposed measure rested there, as weakening the guarantees for religious instruction which the country possesses at present. The test has been found to be no guarantee at all, and effectual only to exclude the most conscientious and the most sincere. The Presbyterian superintendence has been found, in times of lethargy, to be little better than a name. I quite admit that of late years, and stimulated partly by competition, which I consider, in some respects, unfortunate, there has been great and increased vigilance on the part of the Established Church with regard to the parish schools, and that they are probably now in a condition of greater efficiency than they have been for many years. But times of lethargy may come again, and the results will be as before. I have seen a declaration, very largely and very respectably signed by a number of heritors in Scotland, in which they express a desire that the parochial schools should not be disconnected from the Church, or removed from their superintendence. I think it may be doubted whether, notwithstanding the weight and the respectability of many of the names attached to that document, it represents much of the Presbyterian feeling of Scotland. But the declaration, at all events, may give the Established Church some assurance, that in leaving the management of the parochial schools with the heritors and the minister, we are not taking

a step which is intended or calculated to injure the cause of religion, or which is conceived in any spirit of hostility to the Church herself.

There are two questions, however, which still remain, and to which it may be necessary to advert before concluding my remarks on the parochial schools. The first is a provision to the effect, that if the heritors shall so resolve at a meeting to be called for that purpose, they may throw up the support and management of the parochial schools, and give it over to the ratepayers under subsequent provisions in the proposed Bill. In this case the ratepayers will then be bound to assess themselves for the support of the school, which will then fall under the general management, which I shall immediately explain. The second point to which I refer is the question of religious instruction; and as the provisions on this subject are applicable to parochial as well as other schools, I may as well now advert to that part of the question.

I hope I shall not be considered as dealing lightly with so important a topic when I say that, as regards the present question, I consider the religious difficulty as no difficulty at all; and notwithstanding all that has been said and written on this subject, I believe that such is the opinion of nine-tenths of the sensible and thinking people of Scotland. There is nothing so easy as to get up a case of conscientious scruple—to lay down abstract principles, and say, beyond this line or that my conscience will not allow me to go. But it would certainly rather appear that in a country where we are all agreed both in the thing to be taught and the manner of teaching it, conscientious scruples have a very narrow field to work upon.

In explaining, however, my own views on this part of the subject, in so far as any explanation appears necessary, I must revert to a subject on which I said a few words the other evening. An hon. Member opposite (Mr. Adderley) startled me, and surprised some of my friends in this House, by informing them and me that on some occasion I had given expression to a sentiment, the extraordinary nature of which was only equalled by the unusually strong language in which it was supposed to have been expressed. The hon. Gentleman referred me to his authority, which was a pamphlet by the Rev. Dr. Bryce; and I have since had an opportunity of looking at the passage. Indeed, I am

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sumamed to say that I found the pamphlet on my table with its leaves uncut. The statement certainly is what the hon. Gentleman represented it to be:—

“That the Lord Advocate was found declaring, that rather than exclude logic and mathematics from the schools, Christianity should cease to be taught in them.”

In so far as accuracy of statement was concerned, I stated the other night that I had no complaint to make of the hon. Gentleman. He quoted quite accurately, but I should recommend him, before again trusting to an authority so apocryphal, to verify the quotations he finds there. The rev. Doctor refers to some speech of mine at Leith as warranting the statement. What speech he does not specify; and I have no doubt that many newspaper reports of my speeches to my constituents may have been inaccurate enough. But knowing that upon this subject of education I have always held the same language, and having no high opinion of the accuracy of the reverend pamphleteer, I take leave to say, without having had any opportunity of referring to any of those speeches, that no report, however incorrect, ever attributed such a sentiment to me. I undertake to predict that it will turn out that this supposed sentiment of mine is entirely the workmanship of the rev. Doctor's imagination—that it is a construction he puts on, or a conclusion he draws from, some expressions of mine used certainly in a different, and probably in an opposite, sense. I am the more confirmed in this opinion by finding that the rev. Doctor represents me as having made a proselyte to this extraordinary doctrine—and that proselyte is no other than my esteemed and most distinguished friend Dr. Guthrie, a man whose earnest devotion to the cause of which he is the servant, is as well known as the brilliancy of his eloquence and the unaffected piety of his character. Sir, I am sorry to see statements like these proceeding from the pen of a minister of the Church of Scotland; statements which, if made to a Scottish audience, would have carried their own refutation along with them. I am not entitled to speak of any sentiments of mine as being notorious; but in so far as my opinions are of any consequence, and among those who think them so, it is notorious that my views on this subject are exactly the reverse of those attributed to me in this pamphlet, and that I have always been opposed to the theory of secular education, understanding

that theory to imply that it is undesirable that religious and secular education should be combined. I have always maintained as strongly as any hon. Member in this House, I do not say the expediency, but the duty of uniting religious and ordinary education. I never have been able to think that the theory, as it is called, of secular education has either principle or reason to support it. I think my noble Friend the Member for the City of London, in his observations the other night, put the question upon its true, and on a very short and conclusive ground. He maintained, and I think most justly, that it was entirely a mistake to draw any distinction between religious and secular education. If, indeed, we were prepared to think that religion was a mere dream, that all creeds were alike true, or rather alike false, but at all events were mere phantoms, having no relation to the practical business of life, and to be dealt with as such, then I can understand the distinction. But to my mind the schoolmaster throws away the best weapon in his armoury when he excludes religion from his teaching. There is no agency so powerful as religion to impress and win over the mind of a child. There may be circumstances in which this powerful instrument may not be available. But that is a case to be lamented. It is a case in which education is conducted under disadvantages. Where it is possible to combine the religious element with the ordinary instruction of the school, I cannot imagine how any man could willingly exclude in the list of sciences and arts the teaching of that science which of all others is the most practical and important in its influence on human conduct. In this view, how can there be any accurate distinction taken between secular and religious instruction? for if by secular we mean that which belongs to our present day, which is conversant with things of daily life, which deals with daily duties, which relates to the services we owe to our families, to the community, and to the State, in short, our perpetual obligations to God and man, there is nothing more truly secular than religion.

On the other hand, it seems to be equally true, and I can hardly conceive any one sufficiently bigoted to deny, that there may be occasions where, it being impossible to give religious instruction because those who are to be taught will not receive it, it may not only be our right, but our duty,

to give such instruction to them as they will receive.

To take an illustration from the case of Ireland—for no such thing exists in Scotland—if I open a school in a parish which is entirely Roman Catholic, and propose to teach the Bible and the Church Catechism, and find that the children refuse to learn either the Bible or the Church Catechism, and that my school is deserted; am I therefore entitled, or, much more, am I bound, to close the doors of the school, and tell the children that if they will not learn the Bible and the Catechism in the way that I wish, they shall learn nothing, and even reading and writing shall be denied them? Education must be carried on to the extent and in the way which may be practicable; and I can see neither duty nor sense in any one insisting upon teaching what the people are determined not to learn, and refusing to teach them what they are ready to learn. I hope, however, that this opinion will not again be tortured into a wish to exclude Christianity from our schools in order to teach mathematics.

But how stands the fact in Scotland? The religious difficulty in that country takes altogether another shape. Your difficulty begins, not by introducing religion, but by excluding it, and for one child that may be excluded by the teaching of religion, a hundred would be shut out by the refusal to teach it. In short, nothing is more certain than this, that if it were attempted to establish in Scotland a system of education purely secular, from which religion should be excluded, it would, in the first place, be impossible to induce one tithe of the population to make use of the schools, and, in the second place, the proposition would raise a flame of agitation throughout Scotland more general and more violent than any we have hitherto witnessed. I know that by some the strong Presbyterian feeling of Scotland is deplored. They think it narrow and bigoted, and would like to see its influence diminished. But, however this may be, the existence of that spirit is a fact; and without the free admission of that fact it is impossible to legislate for Scotland with any safety or success. But I for one do not deplore it. I trace to that Presbyterian spirit much that is great and good in the history and character of Scotland. From that source she drew her love of civil liberty—for, while the contest in England took its growth from the jealous defence of political

rights, in Scotland the first dawning of liberal principles of government sprung from resistance to religious oppression. From the same source Scotland has derived the thoughtful, energetic, persevering determination of its sons, which has made them successful, and I hope I may say, without any undue national pride, has made them respected also in all parts of the world.

It would therefore, in my humble opinion, be a very great mistake to propose a system of secular education in Scotland. There is, however, another class of opinions which, from the number and respectability of the parties who hold them, deserve to be considered with respect—I mean those who hold the voluntary theory, and consider it contrary to principle to bestow the public money on the teaching of religion. This class entirely differ from those whose opinions I have just been considering; for they are as much opposed to the exclusion of religion as I can be, and in their own schools they teach it in exactly the same way as I should wish to see it taught in all. But they object to the Legislature prescribing or paying for religious instruction. I shall not, Sir, go at any length into controversy on this much-disputed question. I do not agree in these views. My opinion is, that whatever is beneficial to the community there is no injustice in requiring the community to pay for. But I hardly think it necessary to discuss the intricacies of a very subtle dispute in propounding a measure which relates to a matter so practical, and raises the abstract voluntary theory so very remotely as the present.

There are two conclusions that may be very safely drawn from the strong and united aspect of Scotland, both in regard to religious creed on the one hand, and the importance of religious instruction on the other. One is, that in legislating for a country, in such circumstances, it might be perfectly safe and quite reasonable for Parliament to provide, by statute, that the same religious instruction should be given in the schools which, without statute, constantly prevails in them. Another result, and not apparently less reasonable, might be drawn from the same circumstances; and it might be concluded that, in any system placed substantially under the control of the people, the religious element would be sufficiently protected without any legislative enactment whatever. It is proposed by the present measure to take a

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united course between these two alternatives. The preamble of the Bill sets out that,

“Whereas instruction in the principles of religious knowledge, and the reading of the Holy Scriptures, as heretofore in use in the parochial and other schools of that country, is consonant to the opinions and religious professions of the great body of the people, while at the same time ordinary secular instruction has been, and should be, available to children of all denominations.”

And the 27th section of the Bill provides—

“That every school committee under this Act shall appoint stated hours for ordinary religious instruction by the master, at which children shall not be bound to attend if their parents or guardians object, and no additional or settled charge shall be made in respect of the attendance of children at such separate hours.”

It will be thus observed that the Bill is framed upon the principle of recognising the existing state of things as, in its general aspect, a state of things which will and ought to continue. The preamble recognises the present religious element as in consonance with the opinions of the people; and the 27th section secures that religious instruction shall form part of the ordinary teaching of the school. For myself, I have not the slightest misgiving for the security of the religious element in Scotland under these provisions, and the House must bear in mind for what country and for what state of circumstances they are now proposing to legislate. In point of fact, in all but a very slender fraction of the schools in Scotland, in the schools of the Established Church, of the Free Church, of the Assembly, of the United Presbyterians, and in almost all the Adventure or Independent schools, the same course is pursued. The course is this:—The Bible is always, and the Shorter Catechism generally, the subject of instruction in ordinary school hours; but if the parents or guardians of any child object to his reading the Bible in the form in which it is presented, or to his learning the Shorter Catechism, he is not obliged to do so. In the parochial and the Free Church Schools there are, at this moment, very many Roman Catholic children, which of course could not be the case if they were compelled to be present at the hours of religious instruction. Looking, therefore, at the state of things which has always existed in practice, Her Majesty's Government have come to the opinion that, with a properly-constituted General Board, and a popular local management, the provisions



that I have now mentioned constitute all that is necessary to secure the religious tone and character of the schools of Scotland. The Bill fixes that religious instruction is to be given regularly; that the cost of it is to be borne by the ordinary funds of the school; and the preamble recognises the element in plain and conclusive language.

It still remains to explain to the House the provision which it is intended to make for additional education in Scotland, and the nature of the ordinary management on which it is proposed that additional schools should be conducted. I have already stated to the House, in the outset of my observations, that the state of our statistical information was not at present sufficient to afford a foundation for a system which should be adequate to the wants of the community. When the Report of 1856 is laid upon the table of Parliament, the Legislature will then be ready to deal finally and conclusively with the question. The object of Government in the remaining provisions of the Bill is, on the one hand, to make as much progress as the present state of information will admit of; and, on the other, to furnish machinery which will leave for future legislation little or nothing to do but to give statutory effect to ascertained deficiencies.

The Bill deals with two classes of new schools: those in the towns, and those in the country parishes. In regard to the first of these classes, it is proposed that, as soon as the inspector of any district shall have reported to the General Board that the means of education afforded by the public schools within the borough are inadequate, the Board, if they approve of the report, and with the sanction of the Committee of Council, shall address an intimation to the chief magistrate of the borough; on receipt of which, the town council shall proceed to levy a rate for the support of the school, and to take the other necessary steps for its institution. I need not now go into the provisions regarding the manner of providing the necessary accommodations, or the other details of the school arrangements. The town council will form the school committee, subject to the General Board; and being a body popularly elected, and varying from year to year, public opinion will be brought to bear on their discharge of this duty. The salary of the schoolmaster will be 50*l.*, 25*l.* of which will be paid by the rate, and 25*l.* by the Committee of Council. The

other accommodations will be paid for by the Committee of Council, the ratepayers advancing three per cent on the entire outlay for twenty-two years. The rating in boroughs will be compulsory. As regards additional schools which may be reported as necessary in country parishes, the provisions are similar, excepting that it is to be optional with the ratepayers to establish the school or not. The distinction proceeds on this plain principle, that in boroughs there is, for the most part, no educational rate at present, and therefore it is just that they should at once assume their share of the burden. In all country parishes there is an existing rate; and until the deficiencies of the system are fully ascertained, it is thought better to leave the additional assessment on an optional footing. Thus, when the inspector reports that a school is required in a country parish, the Board will address an intimation to the sheriff of the county, who is to call a meeting of parties rated to the prison rate, to decide whether the school is to be established or not. If it is resolved to establish the school, a school committee will forthwith be elected, one-half by the heritors, and one-half by the ratepayers, it being in the power of the Board, if they think fit, to nominate not more than three members of the school committee. The salary and accommodations will be the same with regard to these additional schools, and provided for in the same way, as I have already described in regard to additional schools in boroughs. There is also the provision, to which I have already alluded, enabling the heritors of the parish, if they think fit, to resolve to discontinue the support of the parochial schools, and to throw the support of it upon the ratepayers; in which case, the school would thenceforth be maintained and managed in the same way as the additional schools in country parishes. In these cases the minister of the parish will be an *ex-officio* member of the school committee; but, except in these instances, it is not proposed to have any special representation of denominations on the school committees, although, wherever a clergyman has the respect and confidence of his congregation, he will almost uniformly be elected as a member of the committee.

I have still to speak of the composition of the General Board, which I have adopted very nearly from the Bill introduced two Sessions ago by my noble Friend Lord Melgund, whose exertions in the

well entitle him to the gratitude of the country. It will consist of a chairman and secretary, to be nominated by the Crown, who will receive such a salary as the House may fix; four members to be elected by the four Universities of Scotland; the President of the Educational Institute of Scotland for the time being; and five members to be named by the Crown. But this is a matter of detail quite open to consideration.

I have now explained to the House the principal features of this Bill. It makes provision in the first place for ascertaining the educational wants of the country, and in the meantime reforms the pariah schools, throws them open to teachers of all denominations, improves the condition and the comforts of the masters, introduces additional schools in boroughs where these may be found necessary, and in country parishes where the ratepayers agree to found them. And it provides a uniform and central management through the instrumentality of the General Board. Thus, the House will observe, when the Report of 1856 comes to be laid upon the table of Parliament, there will be found a platform already raised on which the complete and perfect superstructure may be founded.

But there is a third division of the Bill, containing a proposition of some novelty, but, to my mind, one of very great importance. I do not know how it may be received by the House or by the country, but it is one which I have always thought essential to complete such a system as that which I have now sketched, in a community such as that in which we at present live. One great difficulty that I have felt in proposing a system to be mainly supported by local assessment, is the fact, that the want of education, and the means of supporting it, are by no means coextensive or proportionate to each other. It often happens that the poorest places are those that stand most in need of additional schools, and that the burden of maintaining these additional schools will fall heaviest on those who are least able to bear it. This is the grand defect of the denominational system, and of any system that is necessarily dependent on voluntary or optional payments. It fires over the heads of the poorest, and the most destitute, and the most ignorant part of the community.

It is proposed to make an effort to adjust the unequal balance, by authorising a general educational rate over all real pro-

perty within Scotland, not exceeding one penny in the pound, to be administered by the General Board, and to be applied to the following purposes. The fund will, in the first instance, be applicable to the assistance or establishment of industrial or reformatory schools. No one can doubt that it will be a very great boon to Scotland, to have some sure and certain fund available for such a purpose. I believe that no one, who is not accustomed to the details of criminal statistics, can have the least idea how much could be effected by the establishment of an institution of this nature, on a scale commensurate to the magnitude of the evil, by means of which our criminal population might be assailed in the hot-beds from which they spring, and vice and lawlessness, instead of being allowed to bud and germinate, might be checked at their very commencement. I do not think that money can be better bestowed than in cleansing out the fountain-head of crime, which costs us all so much, and in converting, as experience has shown it is possible to convert, the Arabs and Pariahs of our great towns into good and useful citizens.

The second object to which the rate will be applicable will be the assistance of poorer localities, which may either adopt or be brought under the provisions of the Bill with respect to additional schools. That assistance will be given to country parishes which may voluntarily assess themselves for additional schools, and to boroughs where the assessment amounts to more than a certain rate per cent. I think there is great justice in thus applying the general fund, for while each individual locality has of course the greatest interest in the education of its own population, that interest may often be disproportionate to the burden imposed, while the country generally has a direct and important interest in the education of the whole community. In the last place, the fund will be applied to the aid or subvention of denominational schools, provided they are reported by the inspectors to be good and useful, are open to children of all denominations, and come within the rules and regulations of the Privy Council Committee.

Looking especially to the fact that the plan in present circumstances cannot receive its full development, it is thought right to combine the national system with the denominational, and while doing what we can to erect at least the framework of a general system of education, to hold out

*The Lord Advocate*

at the same time encouragement to private benevolence, to those who prefer with their own means and in their own way to endeavour to ameliorate the condition of their fellow-subjects. I have now discharged my duty, and explained the provisions of this measure to the House. How it will be received I do not know; but I think the House will admit that it has not been conceived in any narrow or illiberal spirit. It may be said by some that we propose to lay upon the people of Scotland, by this Bill, a greater measure of burden than the object will induce them to bear. I cannot think so. I have the greatest confidence in the sound sense of the people of Scotland. I am satisfied that if the provisions of the Bill otherwise are satisfactory, the last thing that they will grudge will be the cost at which it is to be obtained. They have far too much penetration not to see that, while lavishing their substance upon poor-houses and gaols is but scattering their seed upon a rock which can yield no fruit in return, money spent upon the education of the people is, in the most literal sense, the truest economy and the safest investment.

It only remains for me to appeal to my Friends the Members who represent Scotland. I would urge upon them in concluding what I urged in commencing: Whatever we do, let us not stand still. In whatever way the work is to be done, let it at all events make progress. The measure now proposed is one embracing many details, and a great variety of provisions. On many of them there must be difference of opinion—there may be on all. They do not all necessarily stand connected, though they seem to me to form parts of a plan which has considerable method and consistency. But I rely on the co-operation and assistance of the Members from Scotland and of the House in the completion of this task; for myself, more than rewarded if I shall have contributed even by a single step to restore to Scotland the character which once she held throughout Europe, as the nursery of learning and of virtue.

**Motion made and Question proposed:—**

"That Leave be given to bring in a Bill to make further provision for the Education of the People in Scotland and to amend the Laws relating thereto."

MR. HUME said, he could assure the right hon. and learned Lord Advocate that, as far as he was aware, an earnest desire existed throughout Scotland to have a

thorough education of the poor; and every effort on his part, both in that House and out of it, should be devoted to the promotion of that object which the right hon. and learned Lord had so moderately and so well described. In the Bill which had just been described to the House, there appeared that earnestness which carried to his (Mr. Hume's) mind a conviction of sincerity on the part of the right hon. and learned Lord, and, backed by the Government, as well as by an ardent desire for education on the part of the people of Scotland, he had not a doubt that the object in view would be gained. It had long been his desire that Government should take up this question, and, expressing his obligations to the right hon. and learned Lord for the manner in which he had brought it before the House, he begged to offer his humble assistance to forward the object which all had in view by every means in his power.

MR. STIRLING said, that agreeing as he did with the right hon. and learned Lord Advocate in most of his arguments, and admiring the speech which the House had just heard, yet he could not say he so cordially approved of this measure as he generally did of the measures brought forward by the right hon. and learned Lord. He did not mean to say that there was not a great deal to admire and approve in the Bill. Thus, he quite agreed as to the propriety of carrying out a system of inspection, of enabling the friends of education to choose better schoolmasters, and to remove those who were inefficient, of the proposed increase in their salaries, as well as of the retiring allowance, the want of which was one great cause of the inefficiency of many of the public instructors. Everybody, too, must admit that education in the large towns required extension and improvement; but he would ask if it were necessary, in order to carry out these reforms, to sever that connection which had so long subsisted between the Church of Scotland and the parish schools? He, for one, thought that some of the remarks of the right hon. and learned Gentleman in that particular were not very fair. The right hon. and learned Gentleman had taken it as generally agreed upon—as a point, therefore, not worth discussion—that the presbytery should be deprived of control over the parish schools, but he (Mr. Stirling) must protest against that opinion. Some presbyteries might, like other bodies of men, occasionally neglect their duties,

but generally they had performed those duties very well; and of late years particularly there had been a great improvement in this respect. He himself could bear personal testimony to their anxiety to improve the condition of the parish schools, and many presbyteries had invited the Government inspectors to co-operate with them in examining into their schools. Was it likely that a body of reverend gentlemen should call upon inspectors from London to come and examine into their inefficiency, and see for themselves the degraded condition in which the right hon. and learned Lord Advocate had accused the Church of keeping the parish schools? If there were Roman Catholic children in the schools of the Free Church, there were children of Roman Catholics and Dissenters in those of the Established Church also. The right hon. and learned Lord Advocate had expressed his desire that all parties should unite in favour of his Bill. No doubt public opinion was very much divided, but the following declaration, which had been signed by several Peers and Members of that House — representatives not of one section of the people of Scotland, but of all shades of public opinion—show that there was, at all events, a very strong opinion against that particular feature of the measure to which he was directing their attention:—

**"DECLARATION BY JUSTICES OF THE PEACE, COMMISSIONERS OF SUPPLY, AND HERITORS PAYING PUBLIC BURDENS CHARGED ON LAND IN SCOTLAND.**

"The undersigned do not propose to give any opinion on the cases of towns being burghs, to which, as is well known, the parochial school system does not apply. But they desire to record their conviction, founded on practical experience, that the present system of parish schools (subject to defects capable of easy remedy) has worked well, and that, practically, children of all religious denominations are in the constant habit of enjoying the full benefit of the instruction given in them. The undersigned, therefore, without in any way asserting that no other principle should be adopted, on which to found additional schools, where the existing system is inadequate, or does not apply at all, declare their strong opinion to be that, except for the purpose of correcting defects in its working, and increasing its efficiency, the present system of parochial schools ought not to be interfered with; and that their connection with the Church of Scotland ought to be maintained."

At a great meeting in Edinburgh, presided over by a noble Lord for whom he had a very high respect, there was nothing like unanimity, and nothing like a system suggested. Every man seemed less anxi-

*Mr. Stirling*

ous to express his own opinion than to guard himself against being supposed to hold the opinions of his neighbours. He did not say that education in Scotland was what it should be, or what he should wish to see it; but how did it stand? So far as he could make out, there were 4,526 schools in Scotland for the purposes of general education, and 500 for the higher orders, giving more than four for each parish, while the attendance throughout the country was one in seven and a half of the population. The proportion of attendance at school in a well-ordered community had been calculated by Sir James Kaye Shuttleworth at one in eight, and Scotland was therefore within that estimate. When he spoke of Scottish education, he spoke not of parish schools only, for he thought the schools of other denominations had also done great good. The Free Church schools were most excellent schools, second only to those of the Establishment; and he ventured to say that the competition which the Established Church schools had met with in them had not been the slightest of the causes of the Established Church schools' improvement. They could hardly hope for religious unanimity; in a country where thought was free and active that appeared impossible; but it was gratifying to find religious contentions take the shape of a generous rivalry in works of pure benevolence. Owing to this emulation, schools had sprung up wherever they were wanted, and even, some said, where they were not wanted, in the last few years. One of the Government inspectors cited a parish in Aberdeenshire where, ten years ago, there was but one school with sixty-four scholars, whereas now there were five schools and 420 scholars. The system of Privy Council grants had been taken advantage of, and with great utility; and why should not that system be continued upon its present basis? There was one part of the plan of the right hon. and learned Lord Advocate—he meant that part which had more peculiarly reference to the subject of religious instruction—which he had not been able to understand, and upon which he considered some explanation was necessary. He entirely dissented from the argument that the present measure was analogous to, and naturally followed, that which had been passed last year, for the alteration of tests taken by lay professors in the Scottish Universities. He had himself voted for that measure, because,



in his opinion, the Church of Scotland had shown by her own act and deed that a necessity existed for some such measure. The Universities of Scotland were in the habit of calling to their assistance, and he thought wisely, graduates of Oxford and Cambridge. In some of these Universities the tests were dispensed with; in others, there being no dispensing power, they were taken in a conventional sense, or, in other words, they were swallowed by persons who ought not to have taken them. He did not think that it was proper that persons called upon to instruct the youth of Scotland should profess themselves members of one persuasion when, in reality, they were members of quite a different one, and he had therefore voted for the alteration of the tests. The Church of Scotland had found no necessity for going beyond her own pale for teachers to instruct their youth; and he denied that there ever had been that necessity. If the Legislature would but leave her as she was, he was quite sure that she would find within her pale an ample supply of teachers, and both within and without her pale a sufficient number of children to reward their honourable toil.

MR. E. ELLICE said, he only rose to return his thanks to the right hon. and learned Lord Advocate for the comprehensive measure which he had that evening propounded. He was quite sure that the right hon. and learned Gentleman's very able statement would be accepted with as much satisfaction by the people of Scotland as it had been listened to with pleasure by that House. For his part he could most cordially assure the right hon. and learned Lord that he (Mr. Ellice) was quite prepared to lend all his endeavours to make the Bill as perfect as possible.

MR. CUMMING BRUCE said, he had listened to the speech of the right hon. and learned Lord Advocate with great attention and pleasure, but he must say it did strike him as rather extraordinary that the Government should apply an educational measure to that part of the country first, where, confessedly, the want of education was least felt. He could not help supposing that the Government in this instance were acting under pressure from the "Society for the Vindication of Scottish Rights," and that they wished to give the Lion of Scotland its proper place of precedence, at all events in the matter of education. Addressing himself, however, to

the English Members, he might be allowed to describe this Bill as a pilot balloon sent out to warn of the kind of educational system yet to expect; or rather, perhaps, a principle of *fiat experimentum, vili*—it was intended, before Parliament legislated for England, to victimise a constitution on which Scotland had reason to pride herself, and which nearly 300 years had conferred the greatest benefits. He believed the hon. and learned Friend had entered in proving that the defects of the system were such as to call for a measure as that which he had proposed. He considered that the measures very much tend to weaken the tendency now exercised over the country, though he was willing to admit there were certain amendments in the system which he, for one, desired to be carried out; thus, they very much increased a power to remove schoolmasters as a power to grant those amendments who, from age or infirmity, were unfit for the performance of their duties, and also the tendency of some educational authorities to plan, however, of his right hon. and learned Friend was of so extensive a nature that it involved so much that was new, that in the present he would decline to enter into many of his statements. Once, however, he was exceedingly glad to see him lay down—that on no account would he ever favour a system based on the principle of a separation of religious and secular instruction. Now, though that was one of the objects of the Bill, the right hon. and learned Gentleman was not to be freed from the charge of attempting to do so.

MR. COWAN said, the hon. and learned Friend for Perthshire (Mr. Stirling) had been to a meeting at Edinburgh, and the differences of opinion there evinced, in respect, however, that meeting was not a meeting, and that was, that some of the measures necessary in the present system were absolutely necessary that some of

take place in the Scottish educational system if they would prevent themselves being engulfed in all the consequences of ignorance. He was sure that the Bill would be hailed with gratitude by the people of Scotland. At the same time he should very much like to be informed if it was proposed that any minimum amount of qualification should be requisite for schoolmasters, or that they should be required to have followed any *curriculum* of study, inasmuch as at present any individual was qualified to become a schoolmaster who had lost a leg or arm, or was in any way maimed, without any reference to his abilities or intellectual acquirements. Now that they were going to inaugurate a new system they ought to have some guarantees as to the acquirements of the teachers; the more especially as the proposed increase of salary would justify such a condition. He rejoiced that there was to be this increase in salaries, and he should have been pleased to have heard that a larger increase would be given than that promised.

MR. F. SCOTT begged to assure the hon. Member for Edinburgh (Mr. Cowan), that as to one circumstance at least he was quite in error, for if he had been an inhabitant of a parish which had a regular parochial school he would have known that the schoolmasters were subject to an examination on certain points by the heritors of the parish. On one matter, too, his right hon. and learned Friend had made a great mistake. By this Bill he observed that, whilst examinations of masters on every point seemed to be required, there was none as to religion. The masters were to be subjected to no formulary, test, or confession of faith; and the right hon. and learned Lord said he did not mean thereby to break down any bulwark or safeguard to religion, as if it was no safeguard to have men who were avowedly attached to some religion, to the religion of the country. He believed the right hon. and learned Lord was desirous to promote and preserve religion as it existed in Scotland at this day; but while that was his opinion, the law which his Lordship was laying before the House was one totally opposed to it. If the right hon. and learned Gentleman were legislating for some new-born colony, his theories might be all very well, provided practice elsewhere had not tested the valuelessness of that theory. His plan had been already tested in the United States, in France, in Holland, and in a case some-

Mr. Cowan

what akin to our own, that of Prussia. In France, as they had been told in the Reports of the School Inspectors, the system had brought about almost universal incredulity. In Holland masters of schools were authorised to teach their pupils the history of the Jews, as they did that of the Greeks and the Romans; but they were forbidden to refer even to the name of the Deity; and though the scholars were expected to attend places of worship, the master was not. They had additional testimony also, guaranteeing the state of infidelity in which the people of that country lived. The Bill before the House left it optional to those who were said to be "debased and degraded by the negligence of the Church," whether they should receive any religious instruction or not. He did not think the right hon. and learned Lord had shown any grounds for the magnitude of the Bill. No one denied that there was a great destitution of education in Scotland, but from what cause did that arise? Did it exist where the parochial system had been extended? In the mountainous districts there was certainly a deficiency, because of the poverty of the parishes and the difficulty of access, and there was also some deficiency in the large towns, and especially in Glasgow, Renfrewshire, Ayrshire, and the mining and manufacturing districts, but, as was said by his hon. Friend the Member for Perthshire, the number of scholars was now much larger than they were formerly. The right hon. and learned Lord told them he meant to take away the control from the presbytery, but he did not say where he meant to place it. [THE LORD ADVOCATE: In the General Board.] They had been told that where the majority of the heritors were in favour of breaking up the parish school they could do so. Now, he wished to know whether the school was to be broken up permanently, or if, upon any alteration of opinion in the majority, it was to be re-established. He entirely concurred in the propriety of increasing the emoluments of the parochial schoolmasters, though he was not at all prepared to say that he was willing to concur in their being supplemented by grants from the Privy Council, as that would be subjecting the schoolmasters to a degree of control which they would much rather be quit of, and which the heritors, rather than allow, would avert by supplying the required sum among themselves. The right hon. and learned Lord Advo-

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founded strictly on the basis of religion. Those were the two great principles, as he understood them, on which the measure of the right hon. and learned Lord was said to be founded, and in those two great principles he believed the greater number of the Members of that House entirely concurred. He, for one, entirely agreed in them. If he threw out any objections to the scheme as proposed by the right hon. and learned Lord Advocate, it was rather with a view to excite attention to certain points; perhaps, also, to request the right hon. and learned Lord himself to reconsider them—not for the purpose of striking them out of his Bill, but for the purpose of modifying, amending, and making them more consistent with the general objects of the measure. The first point which would obviously strike hon. Members, upon hearing the propositions of the right hon. and learned Gentleman, was the way in which the Bill would totally dis sever the connection between the parochial school system and the Established Church of Scotland. Now that was a connection which had existed for a very long time, and had conferred upon the people much good. In the language of the declaration, which had been signed amongst many others by a noble Lord, the brother of the hon. Gentleman who spoke last,

—“the system has worked well, and practically children of all religious denominations are constantly in the habit of enjoying the full benefit of the instruction.”

When we had that testimony, and when we saw the good fruits of that system—when we found that the children educated under the system now existing in Scotland were more in proportion to the adult population than what Sir James Kaye Shuttleworth thought ought to be the average—then he (Mr. Walpole) said that, unless they could impeach all the evidence that had been given in favour of the existing system, it would not be wise to make the severance that was now proposed—a severance that would cause the greatest dissatisfaction amongst large sections of the people of Scotland. Another point to which he wished to refer was one which involved something like a contradiction. It did not appear to him that the preamble and provisions of the Bill were quite consistent. By the preamble of the Bill, and in perfect consistency with his own speech, the right hon. and learned Gentleman laid down generally and strongly the necessity of a

*Mr. Walpole*

religious education. But when we came to the provisions of the Bill it seemed to him that they proposed to introduce into Scotland a system resembling in some respects the national system of education of Ireland. And this was to be done at a time when, be it remembered, the Irish system was more or less proved to be unsuccessful. It seemed to him, also, that the Bill was not perfectly consistent with the religious principle, inasmuch as it was proposed to do away altogether with religious tests. When the right hon. and learned Lord Advocate brought in his Bill last year to do away with tests for all professors in Scotch Universities, it was perfectly true that he abolished that part of the test which related to what he said, and justly said, was the only point of difference upon religious questions in Scotland—namely, that relating to the ecclesiastical government of the Church; but he still retained the test of doctrine, upon which he admitted, and truly admitted, that the people of Scotland were not divided. In the Bill of last year the professors were not to inculcate any opinion that was contrary to the authority of Divine Scripture and the Westminster Confession of Faith. It did seem to him (Mr. Walpole) that a similar test should be inserted in the present Bill, which, according to the right hon. and learned Gentleman's own statement, could not interfere with the appointment of any schoolmaster that was at all eligible for the office. He wished, therefore, the right hon. and learned Gentleman to turn his mind to this subject. There was a third point to which he wished to refer. The right hon. and learned Lord Advocate proposed the formation of a Board to superintend the education of the people. This Board, among others, was to have the power, by means of a rate to be levied all over Scotland, to establish reformatory and industrial schools. A noble proposition! But it could not fail to occur to every one, that, in relation to this part of the subject, there was a palpable defect. For if the principle of the Bill be sound, it ought not to be a measure peculiar to Scotland—it was a national measure. It applied, or should be made to apply, to England and Ireland as well as to Scotland. If, then, it be a national measure, the rate for its support should not be levied upon the land, but the money required should be taken from the national



fund, and to this part of the subject he would beg particularly to call the attention of the noble Lord the Member for London (Lord J. Russell). A measure to be this, conferring probably the greatest possible benefit upon all classes of the community, should clearly be paid for by all classes alike, and should not be made to bear unduly upon one particular class, and upon that alone. Concurring in the main objects of the Bill, he hoped they would all join in rendering it as perfect in its details as possible, although some details might certainly require considerable modification.

LORD JOHN RUSSELL: Before I apply myself, Sir, to the subject to which the right hon. Gentleman has called my attention, I must congratulate my right hon. and learned Friend the Lord Advocate on the clear and able statement he has made of the measure he proposes to bring forward, and on the reception which that measure has met with from this House. I am sure that that statement will convey to the people of Scotland an adequate notion of the extent and scope of the measure, and I entertain a sanguine hope that when they understand it they will approve both of its general nature and of the extent to which he proposes to carry it. The right hon. Gentleman who has just spoken has called my attention to two points. He objects, as other hon. Members opposite have done, to the severance which it is proposed to make, in places where the heritors do not maintain the parochial schools, between the Established Church and such schools. Now, the right hon. Gentleman says that no circumstances have occurred which call for that separation. I own I was a good deal surprised at that sentiment; because, be it observed that, by the connection which is now formed, the schoolmaster is subjected to the test that he must declare that he will conform to the doctrines and practices of the Established Church, and that that test was formed at a time when by far the larger majority of the population—at least 97 per cent of the inhabitants of Scotland—were members of the Established Church. But by changes which took place some time since, and by the still larger disruption which took place some years ago, a great portion of the people, at least one-half of the whole body of Presbyterians in Scotland, professing the same doctrines and the same belief with the Established Church of Scotland, do not belong to her communion, and do not attend her services.

Does not that circumstance alone justify a reconsideration of that provision in the existing law by which the test is applied to parochial schoolmasters? Be it observed, that it is neither a negative test that is applied to the professors of Universities, nor is it a test regarding mere doctrine and belief. But it is a test that is applicable only to those who declare they conform to the practice of the Established Church as now existing. It is obvious that one portion of the Presbyterian body cannot accept that test; and I, therefore, ask whether we are to exclude one-half of them from admission to the office of parochial schoolmaster? Is it a reasonable, is it a practicable and wise provision of the law, under the present circumstances, to frame the measure with such a test. I am not now saying whether it is wise to enact such a test at all—let that point be conceded; but I ask whether you think it is at all applicable to the present state of Scotland? Considering, then, the state of education at present, the question is, shall we continue that test? But if we cannot continue the test as at present existing, shall we propose a new test, which all the Presbyterians of Scotland could take in conformity with the Westminster Confession of Faith, and the other formularies of Presbyterianism? I must say I have the greatest possible objection to enacting, by Act of Parliament, a new test. Wherever you find that an existing test is productive of no inconvenience, it may be wise not to disturb the present law, but to enact a new test would, in my mind, be most objectionable, and I should be very sorry to concur in such a measure. But then it is said that the tests taken by schoolmasters and the supervision of the presbyteries are the two ties which bind the parochial schools to the Established Church. I have already spoken of the test. With regard to the supervision of the presbyteries, has it been found that theirs was a generally useful and practical supervision? I own I was a good deal surprised to hear the hon. Member for Perthshire (Mr. Stirling) say that it was so, because till of late years I was given to understand that their supervision was merely nominal, and that the fact of its being so was notorious. Now, if that be so, then these two modes of connecting the schools with the Established Church ought no longer to be maintained, and I consider that my right hon. and learned Friend has done right in making the abolition of those modes of connection a

provision of his Bill. What is the result? The right hon. Gentleman (Mr. Walpole), following the example of others, has spoken—though he has not urged his objections so strongly as they have urged them—against the plan of instruction proposed, by which he says instruction given in those schools will be separated from religious instruction. I own I cannot see the force of that objection. You declare in the preamble to the Bill that religious instruction is one of your main objects. Next, you enact in the provisions of the Bill that there must be a committee to provide for the religious instruction of the children. But the right hon. Gentleman says, that this is a recurrence to the Irish national system of education. Sir, I always understood that the great question in the Irish system of education was, whether or not the Bible was to be read and religious instruction given in school hours. The point, which in Ireland was decided against the Bible being read in school hours, is decided here the other way. A school committee is to be appointed to see that religious instruction is given, and given by the master. But the right hon. Gentleman may not perhaps have observed how much the practical good sense of Scotland admits great toleration in respect to teaching in schools. They did not, as in the schools of the National Society, say that they would not admit children to their schools who would not receive their religious instruction. They say, with regard to the children attending their schools, that even the children of Roman Catholics, if they objected to the religious teaching, might be exempted from attending school when such religious instruction was given. Such was the usual practice in the schools of Scotland. I never heard of any objections being made, either by the presbyteries or the schoolmasters, to this measure of toleration. We therefore propose to make no change in the toleration that is already practically established in these schools. And let me say here that I quite admit the great merits of the parochial system of Scotland, as at present existing. And I think that, both with regard to that system and to other points, the practical good sense of the people of Scotland has solved many difficulties over which we are still disputing in England. Now I asked, when in Scotland, a question respecting the number of children that were unable to pay for their education. I found that while there was the greatest anxiety in

*Lord John Russell*

Scotland, even amongst persons who were hardly able to procure the means, to obtain education, yet with regard to those more destitute there was the greatest facility afforded for giving gratuitous education. In one school, for example, of perhaps 200 children, there were only five or ten for whom no payments were made. Surely this parochial provision for education is carried much further in the proposal made by my right hon. and learned Friend the Lord Advocate for a national rate in Scotland to be appropriated to the purposes of industrial and reformatory education. I quite agree with the right hon. Gentleman the Member for Midhurst, in thinking this a noble proposition. I believe that great consequences may flow from the establishment of industrial and reformatory schools. The course of sin and vice that is going on from year to year will thus be checked and corrected. I think that no further time should be lost in attempting some remedy for an evil so great; and I do not know any proposition better calculated to make a commencement in this work than that of my right hon. and learned Friend. I have only further to say, that while I do not want to enter into the statistics of the question, I may observe that while there are 1,100 parochial schools in Scotland which are connected with the Established Church, there are 2,366 more which, though Presbyterian, are not so connected. But this whole question occupies ground much larger and wider than that which relates to the connection between the parochial schools and the Church of Scotland, and I own I should be sorry if any jealousy on the part of the Church of Scotland should interfere to throw obstacles in the way of this scheme. There have been ominous signs this evening of such obstacles being interposed. But I think the Established Church will act a wiser and a more generous part if she throws her energies into this measure, in order to contribute to its success, proposing such amendments as she may think fit, taking care to secure the means of religious instruction, and that the schoolmasters are competent to give it. I believe that the provisions of the measure, as framed by my right hon. and learned Friend, will be found adequate to their purpose. If hon. Gentlemen opposite have other propositions to suggest, which they think still more adequate, they will, no doubt, be well considered by this House; but I hope that hon. Gentlemen will not

consider this as a question between the Established Church and the Free Church—that they will not look upon it as a struggle between rival denominations, but that they will consider it as a measure intended for the benefit of the whole—that with that view they will see whether its provisions be efficient for the object proposed, and if they be efficient I can have no doubt that this part of the Kingdom will ultimately reap great benefit from the example set us in this respect by Scotland.

MR. NEWDEGATE said, the noble Lord denied that this measure was any approximation to the Irish system of education, because children of various denominations were educated at the same school, and because separate hours being part of the school hours were devoted to the task of religious instruction. This appeared to him but a very slight departure or difference from the Irish system. But he would beg to ask the noble Lord this, was the measure proposed to the House intended to be inoperative? in other words, was it intended to leave matters as they stood with respect to religious instruction? Because if this measure was intended to leave matters as they stood, then the Government were guilty by the introduction of this measure of most unnecessary and mischievous interference. He must say, as far as he had heard the measure described by the right hon. and learned Lord Advocate, that he understood it to be virtually the importation of the Irish system of national education with all its faults into Scotland. It was either that, or it was a piece of unnecessary interference. The noble Lord the Member for London by no means denied that the existing system had worked well in Scotland either in respect of secular or religious tests. Every one must admit the good working of the system, as shown by the general education and prevalent religious tone of the people of Scotland. But the noble Lord said that, owing to a diminution in the numbers of the Established Church of Scotland—owing to the separation of a considerable number of persons from the Church, not on points of doctrine, but on matters of discipline—difficulties had arisen with regard to finding a sufficient number of schoolmasters. Now, it was obvious, that that if the religious test required of the schoolmaster was altered with respect to the matters of discipline on which difference of opinion existed, but was main-

tained with respect to doctrine, upon which no difference between the Kirk and the Free Church existed, the difficulty complained of would be removed, but the religious, Protestant, and Christian character of the teachers would be, as hitherto, secured; but the noble Lord said that, whether this was so or not, he would not undertake the proposing of new religious tests, therefore he would abandon religious tests altogether. He could not understand that there was any tangible reason for the introduction of this measure, except on the ground that it was intended to assimilate the Scotch to the Irish system of education.

MR. ALEXANDER HASTIE said, he thought the subject of religious instruction ought to have been left, not with the schoolmaster, but with the parents and guardians of the children. The right hon. and learned Lord Advocate seemed to think that the population of Scotland, with the exception of three or four per cent, belonged all to one religious denomination. He was afraid that in that respect his right hon. and learned Friend had overrated the religious uniformity prevailing in Scotland. In Glasgow alone there were 80,000 Roman Catholics; and he hardly saw how by this Bill they were to provide for the education of that large portion of the population, which, he must say, needed education more than any other. There was one other point to which he would refer, though he would not go into the question at present—he alluded to the compulsory attendance of children at the schools. The right hon. and learned Lord Advocate said, that in certain cases parents ought to be compelled to educate their children. He was not sure how that clause was likely to work; and even in its most modified form he would think it right to see the clause before he gave his opinions upon it.

MR. DUNLOP said, he could not refrain from stating how entirely he concurred in those sentiments of admiration and praise which the speech of his right hon. and learned Friend had elicited from all sides of the House. It was not to be expected that on the first hearing of a measure of such magnitude he should be able to enter into all the details, yet he believed that, in its general features, the measure was likely to conciliate the feelings of nearly all classes in Scotland, and he did not doubt that it might be so framed as to give satisfaction to all parties. There was one part in particular to which he

could not refrain from expressing his approbation, notwithstanding the observations of his hon. Friend the Member for Glasgow (Mr. A. Hastie)—he meant the establishment of reformatory schools and the compulsory attendance of children at them. In the case of children who lived with their parents, and who had not gone astray or been brought before a magistrate, he might perhaps hesitate to take such a step; but he hoped they would retain the power where children were neglected, and were brought up for petty delinquencies, of sending them to school instead of to gaol.

MR. ADDERLEY said, he must apologise for intruding himself on the House with regard to a Scottish measure; but his excuse was, that in the matter of reformatory schools it dealt with a question which equally affected England, and one in which he took the deepest interest. The Bill divided itself into two parts—first, the widening the existing schools in Scotland, and next, the introduction, as a supplement, of a new system of national education. With regard to the first part, some such measure was necessary. Large schisms having broken up the Church of Scotland upon questions of government and patronage, it was necessary, so far, to make an alteration with respect to the appointment of schoolmasters. But the noble Lord (Lord J. Russell) had entirely failed to meet the objection of the right hon. Member for Midhurst (Mr. Walpole), who complained that, whereas the schism upon points of government and patronage rendered necessary the widening of the tests, the tests were upon that account to be swept altogether away. The noble Lord said, “When we are sweeping away tests, I do not like to re-enact them;” but the noble Lord did not seem to see the difference between re-enacting a test and retaining that portion which it was unnecessary to dispense with. If the noble Lord could not meet that point, he (Mr. Adderley) hoped the right hon. and learned Lord Advocate would consider whether it was necessary to insist upon it, the only change being in point of government, the unity of creed remaining. With regard to the second portion of the Bill, that which supplemented national education upon a new system, he would just observe that the unity of creed in Scotland upon religious points rendered a measure on this subject much easier than either in England or Ireland. The union in creed, the general con-

sent to the Catechism, rendered a religious national system easy there; but it was very natural for the right hon. the Member for Midhurst to compare it with that of Ireland; for the same system introduced into England or Ireland, where there was diversity of creed, became necessarily the Irish system. He hoped that the noble Lord the Member for the City of London, in dealing with the subject of education for the United Empire, would consider whether one feature in this measure could not be also applied both in England and Ireland. This suggestion had reference to the third portion of the Bill, a part of it upon which he congratulated the country, inasmuch as it provided the means for establishing juvenile reformatories in Scotland. The whole country, he believed, was equally anxious for this provision. In this Bill reformatory schools were treated as a part of the national education system, and hopes were held out that England might likewise have them when she could make up her mind to a national education system. Scotland would thus have juvenile reformatories very long before England; and he asked why Scotland should have them, and not England? It was very hard both upon England and upon Ireland to have to wait for their reformatory institutions until a question could be solved, which in those countries was almost insoluble, though of no difficulty in Scotland. Nor was there any reason why this part of the Bill should be mixed up with the rest. There ought to be a Bill for providing juvenile reformatories for the whole United Empire introduced at once. Let him tell the noble Lord that he (Mr. Adderley) and a great many more, both in and out of that House, considered that he was pledged to introduce a Bill this Session, and to pass it too, for establishing juvenile reformatories throughout England. The subject was not pressed in the House by private Members, only because they understood it to be the distinct intention of the Government, from the pledge of the noble Lord the Home Secretary, to introduce it themselves. He hoped they would do so forthwith, or else that this portion of the subject would be severed from the Bill, in order that there might be a general scheme for reformatory schools drawn up for the whole Kingdom. He would only say one word more on a matter personal to himself. He was exceedingly sorry that, if, in quoting a passage from a pamphlet, he had hurt the feelings of the right hon. and learned Lord

*Mr. Dunlop*



Advocate. The right hon. and learned Gentleman would do him the justice to say that he had a perfect right to make the quotation from the pamphlet; he did not, however, state that the right hon. and learned Lord had used the words imputed to him, but only that he (Mr. Adderley) had seen it so stated, and he gave his authority. He would repeat, he was sorry if he had hurt the feelings of the right hon. and learned Lord Advocate; but he was sure the right hon. and learned Lord Advocate would thank him for having afforded him an opportunity of correcting a misquotation of his sentiments upon so important a point.

MR. FAGAN said, he could not avoid expressing a fear that if the system was introduced into Scotland, its operation would be to exclude Roman Catholics from its benefits. There were 80,000 of that persuasion in Glasgow alone, and considerable numbers in other parts of Scotland; so that, unless the measure was so framed as to enable them to partake of its benefits, the House would not be doing justice to that community.

THE LORD ADVOCATE begged to thank the House most sincerely for the spirit in which the measure had been received by the House. Nothing afforded him greater gratification than to see, as he hoped he did, something like a prospect of its passing. With regard to what had fallen from an hon. Member opposite respecting religious instruction, undoubtedly the Bill left things pretty much as they were, and the hon. Member for North Staffordshire (Mr. Adderley) had given the true explanation of it. Parties in Scotland were so much agreed upon the necessity of religious instruction, that it was thought unnecessary to insist upon the laying down of creeds; but the necessity of religious instruction was recognised by a particular clause. With regard to what had fallen from the hon. Member for Cork (Mr. Fagan), he had only to say that in the parochial and new schools the Roman Catholic children were not bound to attend at those hours when religious instruction was given. There would, however, be further opportunities of considering the measure with regard to the Roman Catholic population. As to the reformatory portion of the Bill, he was sure that, if it was the feeling of a large majority of that House, the Government would have no objection to consider that subject as part of a general measure.

Leave given. Bill ordered to be brought in by the Lord Advocate, Lord John Russell, and Viscount Palmerston.

#### REGISTRATION—WEST SURREY ELECTORS.

MR. EVELYN said, he begged to move for a Select Committee to inquire into the complaints contained in a petition presented on the 15th of February, relative to the registration of electors in the western division of Surrey. The matters referred to in this petition involved the rights of every elector in the country. What had happened in the western division of Surrey might happen in the West Riding of Yorkshire, or in the City of London; and he thought he should be able to show that gross injustice had been done to many persons who were lately constituents of his. No fewer than one hundred and fifteen persons had been struck off the register of voters for West Surrey, under circumstances which deserved the attention of the Legislature, seeing that through no fault of their own they had been deprived of the opportunity of defending their votes. Of these individuals, six had petitioned the House to be replaced on the register, and prayed for inquiry. The first part of their request he did not press; but it was fair that inquiry should be made before a Committee, because any question which affected the rights and privileges of our constituents, affected the rights and privileges of every Member in that House. The Act 6 & 7 Vict. c. 18, regulated the proceedings in respect to the registration of voters. In that Act two classes of objections were recognised. Objections to voters might be taken by overseers of the parish and by individual electors; but it was with the latter only that he was now concerned. It was the intention of the Legislature that every elector objected to should have an opportunity of defending his vote; and, therefore, any person who objected must either deliver a notice of objection at the house of the person objected to on or before the 25th of August, or he might go to the Post Office and drop the notice of objection in a box at such a time that it would arrive at the elector's residence, in the ordinary course of post, by the 25th of August. If a person posted a notice, he was bound to prove before the revising barrister that he had posted it; when it was posted he received a stamped duplicate, and when the objector appeared before the revising bar-

ristar with a stamped duplicate, the revising barrister was bound to receive such stamped duplicate as proving that the notice of objection had been duly posted. At the last registration for West Surrey these stamped duplicates were produced; but neither the persons objected to nor the overseers ever received any notice. The revising barrister saw the hardship of the case, but, considering himself bound by the terms of the Act, he felt bound to strike off those objected to, to whom the stamped duplicates referred. One hundred and fifteen persons were thus unjustly deprived of the franchise. He (Mr. Evelyn) afterwards sent circular letters to every one of these hundred and fifteen persons, asking them whether they had received any notice of objection; and he also wrote to the overseers of the parishes, asking them whether they had received any. To those sent to individuals whose names had been expunged he received forty-seven answers, stating that they had received no notices of objection; forty-six were unanswered, and the rest were returned from the Dead Letter Office. He was not much surprised at so many letters remaining unanswered, because many of these electors were in a humble station of life and not much accustomed to receive printed circulars except during the time of contested elections, when they not only received them, but were not a little bewildered by them. The overseers stated that in the case of 106 electors they had received no notice of objection, but that in the case of nine electors they had. These letters were proved to have been taken and duly posted at an office in the Strand. He therefore thought that this was a case which demanded inquiry. What had occurred once might occur again; and he did not think the rights and privileges of electors were safe so long as such mistakes could occur. He did not know upon what ground a Select Committee could be refused, seeing that it would be a public benefit to investigate these transactions, and to show whether the system required alteration. It was due also to the character of the Post Office that inquiry should take place. On the 24th of October he wrote to the Postmaster General, begging that a searching inquiry might be instituted. To this letter he received an answer, but the result was not satisfactory. But he submitted that even if the Post Office had made inquiry, the subject would still be one for the consideration of that

*Mr. Evelyn*

House, and not for the Post Office, which really would be upon its trial in the event of the Select Committee being granted. In conclusion, he would frankly state that the persons who had been thus unfairly disfranchised were his own friends; but if they had been opposed to him he should have followed exactly the same course.

Motion made, and Question proposed—

“That a Select Committee be appointed to inquire into the allegations contained in a Petition presented upon the 15th day of this instant February, from certain persons until lately registered Electors of the western division of the county of Surrey.”

MR. J. WILSON said, he was not inclined to deny the great importance of the question, or the undoubted right of the parties to whom reference was made, to have the matter investigated. But he differed from the hon. Gentleman who had moved for the Committee, as to the form in which he wished inquiry to be made. It was not until within the last few minutes that he had heard anything of the merits of the question, and he regretted they had not been communicated to the Treasury, where they would have undergone a strict investigation. The case was an isolated case, though, no doubt, of extreme importance, in a constitutional point of view, with reference to the administration of a particular department of the public service. It was utterly impossible for him to give any explanation relative to it; but, considering the number of Committees appointed for public purposes, the House ought to be extremely cautious how they multiplied the subjects on which they were granted. He agreed, however, that, if the investigation by the Treasury was not satisfactory, the hon. Gentleman would then be entitled to ask for a Parliamentary Committee—relating, as the subject did, to an Act of Parliament extremely convenient in county elections, and without which it would be almost impossible for county registrations to be carried on as they now are. The posting of letters, as there provided, was to be regarded for this purpose as a great constitutional right; but he would suggest that the hon. Gentleman should submit the facts of this just complaint to the Treasury in the first instance; they would have an opportunity of inquiring into them; and if, after their inquiry, a fair explanation could not be obtained, he thought the Government would have no objection to grant a Committee.

MR. WALPOLE said, he was not aware

of the facts of the case until he had just heard them stated. Upon that statement he must say he thought the case ought to be inquired into, not for the purpose of impugning the Post Office, but for settling a question of immense constitutional importance, in order that constituents should not be struck off the register through any error in a public department. The hon. Gentleman (Mr. Wilson) said the case had not been represented at the Treasury. But it had been represented at the Post Office, from which no satisfactory explanation or answer had been received which could clear up the matter. It was now proposed that the Treasury should make an investigation. He (Mr. Walpole) doubted whether such a course would be satisfactory. Then the hon. Gentleman (Mr. Wilson) said this was an isolated case. He (Mr. Walpole) could assure him it was not so; for many instances had been brought under his own special notice where notices of objection had been served, or alleged to have been served, in such a manner that they never reached the parties. Many persons had been struck off the register on the allegation that notices had been put into the Post Office, when they had not been put in, or not put in so as to ensure their delivery to the party within the time. If it was important to prescribe some means by which notices of objection would be sure to reach the parties objected to, in order that they might be enabled to defend their votes, he could not conceive any tribunal so effectual for that purpose as a Parliamentary Committee of Inquiry. He would, therefore, beg to submit that these words should be added to the Motion:—"For the purpose of inquiring whether any better method of ensuring the due delivery of notices of objection can be obtained." These words would remove anything like censure upon the Post Office, whilst a full, complete, and searching inquiry would be instituted, the results of which the House might be enabled to deal with when the new Reform Bill was under consideration.

MR. P. O'BRIEN said, he would take the opportunity of alluding to a transaction in an Irish post office, which, in his opinion, affected the Postmaster General in the last Government. On a particular occasion, subsequent to the last election for the county he had the honour to represent, an official connected with the Post Office, the leading inspector of the district—

MR. SPEAKER here informed the hon. Member that the observations he was now

making had no reference to the question before the House.

MR. P. O'BRIEN said, he would bow to the authority of the Chair. He was speaking upon the general principle of making inquiry into Post-Office malversation; and he was about to apply his observations to the conduct of Lord Hardwicke, the Postmaster General in the last Administration.—[*Cries of "Question."*]

THE CHANCELLOR OF THE EXCHEQUER said, he agreed with his right hon. Friend (Mr. Walpole) that the question was one of great importance, and well deserving the attention of the House; and he also concurred with the hon. Member for West Surrey (Mr. Evelyn) that the facts he had stated were of great importance, and deserving the attention of the House. But he hoped he was not requesting too much, if he asked the hon. Member to allow the Executive Government to do its duty in the first place before he appealed to a Parliamentary tribunal. The hon. Member said, he had applied to the Post Office, and no inquiry had been instituted; but he (the Chancellor of the Exchequer) found, from the papers with which the hon. Member had just supplied him, that the complaint had been made to the Post Office in the autumn, and that on the 27th of October the Post Office wrote a letter to the hon. Gentleman, acknowledging the receipt of his letter, and requesting to be furnished with a list of the names and addresses of the persons who had been expunged from the register in consequence of the non-delivery of the notices of objection. The reply made to the Post Office was that only the names of the persons in the Chertsey district could be furnished, but that the list should be completed and sent. Now he (the Chancellor of the Exchequer) did not think it unnatural that the Postmaster General should wait until the complete list of names had been furnished before he instituted inquiry. He would, therefore, suggest, as it appeared probable that a misunderstanding had occurred, that the hon. Member should allow inquiry to be made by the Post Office; and then, with the result in his hand, he might take whatever steps he thought fit, and he should have every facility from the Government to enable him to prosecute the inquiry further. It was quite clear that the case was, in the strictest sense, an isolated case, for the petition said that a large number of objections had been sent through the post in the last nine

years, and that no miscarriage had taken place. So far as regarded any irregularity or malversation, this, then, was an isolated case. The hon. Member contended that it was not an isolated case, because many other cases had occurred with respect to the delivery of notices by post. He believed those cases had rather turned on what constituted a legal notice than on the non-delivery of letters; but the suggestion of the right hon. Gentleman (Mr. Walpole) related to a different matter from that contained in the Motion now before the House. The Motion was founded on the belief that the Post Office had failed to perform its duty. If that was the case, there could be no objection to an inquiry. But, owing to the state in which the correspondence had been broken off, it was impossible to ascertain whether that was so or not. The subject referred to by the right hon. Gentleman ought to form the subject of a separate notice, and it was well worthy of his consideration whether it required the institution of a Parliamentary Committee. He thought the right hon. Gentleman might treat the subject without the trouble of instituting an inquiry before a Committee. If the right hon. Gentleman thought a change in the law desirable, he might move for leave to bring in a Bill to alter the law, and the House would then have no difficulty in determining the question. But if he thought the question required investigation in detail, and could only be dealt with by a Parliamentary Committee, he might submit a Motion to that effect. Looking upon this Motion as casting an imputation upon the Post Office, he trusted the hon. Member for West Surrey would not press the point until the Treasury should have had an opportunity of investigating the matter.

MR. NAPIER said, he thought this a case in which an inquiry ought to be granted. Not less than a hundred persons had been deprived of their franchise by no default of their own, and he thought this a matter which that House ought to take into its consideration. He could not conceive on what ground any impediment should be thrown in the way of a full and searching inquiry. No man ought to lose his franchise from the misconduct of public officers. The parties in the present instance had no opportunity of appealing against the revising barrister's decision, which was final and conclusive. Was it to be tolerated that, through mismanagement in the Post Office, persons might be de-

*The Chancellor of the Exchequer*

prived of their franchise, and the fate of an election decided in that manner? The other day a Committee was appointed to inquire into an Irish squabble about the sale of offices, because the transaction was said to affect some Member of that House. But here was a case in which *bond fide* electors showed they had been unjustly deprived of the franchise in consequence of some error on the part of the Post Office; and, considering that a full inquiry ought to take place, he should support the Motion.

SIR JOHN YOUNG said, the right hon. and learned Gentleman seemed to imagine that inquiry had been refused. Now, there had been no refusal, and the Government had no intention of shielding the Post Office. That office was subject to the Treasury, and the Treasury ought to make the inquiry in the first instance in the regular course, and bring the matter to a regular issue.

MR. VANSITTART said, he did not think the refusal of the Committee reflected any credit on the Government, when a grave constitutional principle was involved in the inquiry. The electors were all on one side, and the non-delivery of the notices might have made a difference of two seats. Not only were the notices not served on the parties themselves, but they were not served on the overseers. With regard to the assertion that this was an isolated case, he begged to remind the House that, although this was the first time the attention of Parliament had been called to the subject, rumours had been very prevalent of similar occurrences, and he knew of instances in which parties had escaped being struck off the list of voters merely in consequence of some friends happening to be in court when their names were mentioned. Although the Chancellor of the Exchequer had chosen to take advantage of the quibble that letters had not been received from all the electors, he would recommend his hon. Friend (Mr. Evelyn) to accede to the suggestion of the right hon. Gentleman.

MR. MUNTZ said, the hon. Member for West Surrey had made out a strong case for inquiry, but he could not help thinking that the proposition of the Chancellor of the Exchequer was a rational proposition. He trusted, however, that the promised inquiry would be made within a reasonable time.

LORD JOHN RUSSELL said, there would be no difficulty in making the in-



quiry immediately, and, when the facts should be laid before the House, the hon. Member would have no difficulty in renewing his Motion.

MR. MASTERS SMITH said, he thought that a strong case had been made out, but recommended his hon. Friend to postpone his Motion.

MR. EVELYN, in withdrawing his Motion, said, that on the 24th of October he wrote a letter, requesting an investigation into the matter, and referring the Postmaster General to a gentleman who could acquaint him with the whole of the facts. A communication was received from the Post Office, requiring all the names which had been expunged. Circulars were sent to all the electors and the overseers of the parishes, and a list from the Chertsey district, containing the names of thirty-two persons, was sent to the Post Office, and he thought an investigation might have been instituted into those cases.

Motion, by leave, *withdrawn*.

The House adjourned at half after Ten o'clock.

## HOUSE OF LORDS,

*Friday, February 24, 1854.*

MINUTES.] PUBLIC BILLS. — 1<sup>st</sup> Inspectors of Nuisances; Compensations for Tenants Improvements (Ireland).

### RUSSIA AND THE PORTE. — RESOLUTIONS RESPECTING THE OBJECTS OF THE WAR.

LORD BEAUMONT rose to move the Resolutions of which he had given notice :—

“That it appears from the Documents which Her Majesty has been graciously pleased to communicate to this House that the Efforts of Her Majesty and of Her Majesty's Allies to establish, without Recourse to Arms, amicable Relations between the Sublime Porte and His Imperial Majesty the Emperor of Russia have been unremitting.

“That it appears also that those Efforts have failed to produce the desired Effect, and that The Emperor of Russia continues to hold by force of Arms Two important Provinces of the Ottoman Empire.

“That it is, therefore, the Opinion of this House that the Honour and best Interests of this Country require that immediate and effectual Means be taken to repel the unjustifiable Aggression of Russia on the Territory of the Sultan; and that the Power and Influence of this Country should be exerted to place the Relations of the Sublime Porte with the rest of Europe on such Foundations as shall appear best calculated to secure a durable Peace, and afford the Ottoman Empire a fair Opportunity for developing its natural Resources, and of proceeding with its administrative Reforms.”

The noble Lord proceeded to say, that it was not his intention on the present occasion to resume the thread of the discussion that took place in their Lordship's House a short time since on the Motion of his noble Friend (the Marquess of Clanricarde); for, however anxious he might have been on that occasion to go into a minute analysis of the papers that had been laid upon the table, and to point out those passages which he thought reflected on the conduct of the Government, as well as those which he thought a justification of a portion of their conduct, still he believed that to pursue such a course at the present moment would neither tend to promote the object he had then in view, nor to explain the grounds upon which he made the present Motion. There could be no doubt that the analysis which his noble Friend on that occasion made of the papers was most ably executed; and although he must allow that much had been afterwards said to explain away many of the charges brought against the Government, and although he thought that on many points a better defence might be offered for the Government than they had yet made for themselves, yet he must still maintain that one or two charges with respect to the past conduct of the Government still remained unanswered. He would not then enter into any details with regard to those papers, and would only refer to them in such a general manner as was absolutely necessary by way of explanation and to carry the history of events up to the present period. As to the charges that in his opinion remained unanswered, he must say, with all due submission to his noble Friends on the Treasury bench, that the charge of credulity being carried to the point of weakness remained wholly uncontradicted. It appeared to him that it was utterly impossible to justify the conduct of the Government in placing confidence in the professed intentions of the Emperor of Russia when they had such positive evidence in contradiction, as appeared, not only in the papers laid before the House, but in the past conduct of the Emperor in regard to this subject. He admitted that the difficulties that surrounded the Government were extreme; he admitted that the most distinct professions were made by the Emperor; and he believed that, in addition to what appeared in the papers, much stronger verbal declarations had been made, and which, being delivered by the Russian Ambassador here, must have been supposed to be the echo of the Emperor's

instructions: no doubt, therefore, the Government were in this difficult position—that they must either at once have positively charged the Emperor of Russia with direct falsehood, or must have given some weight to the positive assurances that were made on his behalf. This certainly was an excuse. But still when, time after time, information of an opposite character reached them from every quarter of Europe; when everybody, not only in Turkey, but in Russia, understood the designs of the Emperor, when facts came positively contradicting the assurances given, why, then, even that respect which should always be shown to the word of a crowned head should have had its limits. It must have been known to the Government that the demands of Russia with respect to European Turkey were of a systematic character, and formed part of an enormous plan long since framed, which had never been departed from, which from its commencement had been pursued with unflinching perseverance, and with great ability. There were documents to which not only noble Lords on the Treasury bench, but all their Lordships, might have access, and in these documents were distinctly stated the intentions and policy of the Russian Government on the highest authority; and although their date was no doubt rather distant, they distinctly anticipated as a portion of their policy the manner in which it was intended to meet such events as had since taken place. Those papers showed with what skill they had laid their net to entrap the greater part of Europe. It was remarkable how, throughout all their proceedings for the last twenty years, they had carefully connected that which belonged to the religious with that which belonged to the political part of the question; and, in fact, they had done so so systematically that at last, when they talked about the religious question, they implied a claim to a control over all the inhabitants of Turkey who professed the Greek faith. One of the documents to which he referred, though written a long time ago, had only been given to the public some short time since; and their Lordships were aware that certain State papers belonging to Russia had, at various times, been betrayed by the officials employed in their public offices, or copies of them had, as in the present case, been discovered and given to the world in the course of some revolution. Now, in one of the papers, which he held in his hand, he found a  
 run out at the suggestion of the

*Teamont*

Emperor of Russia with regard to the very state of circumstances now occurring. No doubt some of those papers combined with that a reference to the existing state of things at the time they were drawn up—to the treaty of July, and to the position of France, England, and Austria, at that particular moment: but the general broad scheme of the perpetual and standing policy of Russia was nevertheless there given; and the same scheme was repeated at a later period, the papers containing it being on both occasions drawn up at the request of the Emperor. The Emperor, desiring to have the opinions of the leading men of his country on this subject, asked the views of Pozzo di Borgo, Prince Lieven, and Count Nesselrode, and of many other persons whose abilities rendered them capable of drawing up a plan for the aggrandisement of the position of Russia in the East, and by which he might eventually be able to obtain a control over the Ottoman empire. One of these was so strong that he could not help quoting two or three passages as to the scheme it was thought ought to be pursued. Pozzo di Borgo, in the paper which he submitted to the Emperor, said:—

“ On the side of Turkey it is necessary to have everything ready to penetrate to the capital of that country. It is also necessary to turn the Servians to our advantage, and also all other Christians who are willing to join us. As soon as the Principalities are occupied by us, there is no reason why we should not establish relations with the Greeks in the Turkish empire. In stating this, I do not intend to suggest any step which would imply recognition of that people. It would be sufficient to make them feel by means of agents, whom we need not avow, that their safety depended on the resolutions taken by his Imperial Majesty, and that they should always be ready to follow his direction. It would also be useful to associate Persia with us in our designs, and to try what could be done in that quarter in case of a war with Turkey.”

Then he went on to show the great change which he believed to have taken place in the policy of England from the accession of Mr. Canning to power; to state how hostile he felt that Minister to be to the Russian plan of aggrandisement, and how much was to be feared from the principles he had introduced. He next calculates carefully the power and the position of England, and considers how she would be circumstanced were she to declare war against Russia on the Turkish question. He says no doubt she might have successes by sea, and might blockade the ports of Russia, and it would be prudent to prepare for these events; but hostili-

ties with England would not impede the progress of the Russian arms, and would cause her no serious evil, especially if not supported by continental co-operation. "Besides," he says, "she will always be desirous to arrange matters, even if a rupture with us were to take place." He next goes on to suppose that Austria co-operated with England, and says, "Great Britain is not formidable without allies;" and then adds:—

"She will, however, be weaker still when she has compromised Austria, for then she will have exposed part of her system to destruction. Our policy, therefore, requires us to present ourselves under an aspect terrible to Austria, so as to persuade her that if she moves or takes a step against us, she will encounter one of the most terrible storms she has ever witnessed. . . . In consequence of that, she will either tell the Turks to listen to our proposals, or she will herself fall on the provinces of the Turkish empire. In the first case, we shall perfectly agree with her; in the second, we shall come to an agreement."

Now, these were only specimens of the schemes and plans of the Russian statesmen; and knowing these, he certainly was surprised at the confidence which the noble Earl (the Earl of Aberdeen) and some other Members of the Government seemed to have reposed in the assurances which they received from the Emperor. It was the more surprising, when they recollected the conduct of Russia in the Greek war, in the war with Turkey in 1828 and 1829, and in the treaty forced upon the Porte at the peace of Adrianople, which was a complete violation of all her previous engagements and agreements, that the Government should not have been more upon their guard against the professions of that country. After this very treaty of Adrianople, Count Nesselrode, by command of his master, wrote a State paper containing an account of the position of Turkey and Russia, and drew up a plan of the course of policy which the latter should adopt with respect to her neighbour. He there says:—

"In the opinion of the Emperor the continuance of the Ottoman empire, if reduced to exist only under the protection of Russia, and obliged to listen in future to all the wishes of Russia, would suit our political and commercial interests better than any new combinations which would necessitate the extension of our dominions by conquest or by the substitution of other States in the place of the Ottoman empire, which might become our rivals. It is on this principle we should deal with the Divan. We do not wish the ruin of the Turkish empire; we seek to sustain it in the state it now is, as this Government can only be faithful to us by its deference towards us."

With all these, and a hundred other in-

stances before us, though the Russian assurances were very strong, and although no doubt Baron Brunnow and Count Nesselrode, and the Emperor himself, were all "honourable men," yet still he thought that, with all this before them, the Government might well have felt and expressed some doubt as to the *bond fide* intentions of the Emperor, or as to the positive true and literal meaning of the assurances which he gave as to his intentions. On that point, therefore, he could not think that the Government were entirely blameless. He thought they had carried credulity to weakness; but still he perceived the enormous difficulties which surrounded them, and was willing to admit that the results of their policy had not turned out to be very disastrous. It had its good as well as its bad side. The delay which had taken place had no doubt been of great use to Turkey, the party most interested; and it was now, no doubt, of great use to the Government, albeit through circumstances over which they had no control, by enabling them to lay before the public a better case, by allowing the people to become acquainted with the subject, by giving time for public feeling to rise into enthusiasm, and by placing it in the power of Government to say, "We are rather urged on by the voice of the people than conducting the people towards war."

He must own, too, that there appeared to him another defect in the past conduct of the Government that he could not pass over. He thought they had not sufficiently availed themselves of the many opportunities they had had to inform themselves thoroughly of the position of the Turkish empire. They were not well aware of the character of the Ottoman empire and its resources, or of the nature and conduct of its Government, or they would not have spoken of that empire or acted towards it in the manner they had. Had they been aware, as they must now be, that that country was still great, powerful, and independent—that its councils were directed with extreme wisdom—that its troops were prepared to fight with courage—that the people were ready to show their patriotism and to respond to the call of their sovereign, they would have, no doubt, taken a different tone both towards Russia and Turkey—they would have been less humble and subservient in their addresses to Russia, and more firm in their appeals to the Emperor, and they would never have ventured, without calling for the advice of

the Turkish Minister, to have drawn up a note which was to arrange and settle definitely the relations between the Ottoman empire and Russia. He believed that had they regarded this question as one relating to two great and powerful countries—though, no doubt, one was more powerful than the other—they would have acted in such a manner that the proceedings at Vienna might have had a successful and honourable result. Unfortunately, however, instead of taking that view, some portion of the Cabinet, and particularly that section of it which was more directly represented in that House in consequence of the head of the Government having a seat there, had used language towards Turkey at the commencement of these proceedings, which was calculated to run down and depreciate that country. And though he would never charge Ministers with any direct communication with the public press, he must say that one at least of the journals which was supposed to represent the opinions of the Government, and particularly of the Prime Minister, took a line at the commencement of these proceedings—it had taken a much wiser course since—which tended in every way to encourage Russia by running down Turkey. We were told that to fight for the independence of Turkey was to fight for a shadow; for that her integrity and her independence were alike impossible. The whole tone assumed by some of the members of the Government, as well as by their supposed organs, had a very injurious effect; and during the four or five months that he (Lord Beaumont) was on the Continent, he never heard a person whose opinion was worth having, who did not say that it was his firm conviction that the English Cabinet were rather inclined to favour Russia, that they had a bias for Russia, and that they had no intention of going to war with that country to support the integrity and independence of Turkey. It was the general opinion on the Continent, that they looked on her independence as a shadow and an impossibility; that they knew that Russia must prevail; that all they wanted was to avoid a general continental war, and that they would do this by framing any bridge to enable Russia to retreat. Although, as he had said before, he (Lord Beaumont) never would accuse any Minister of descending to work on the public mind in an underhand way, through the press, when he had an opportunity of declaring his opinions in Parlia-

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ment, yet, still, knowing that it was generally understood who the writers of these articles were, and that it was whispered that some of them came from persons holding some inferior offices not far from Downing Street, and who might, therefore, have opportunities of learning what were the sentiments of the Government, he thought that these articles must pass as semi-official communications of the opinions and policy of the Government. There had been a wide difference between the language that had been used on this subject by the members of the Government in that House and the members of the Government in the House of Commons; and no contrast could be more complete than the contrast between the speeches which he had lately read in the newspapers, stated to have been delivered by Lord Palmerston, and by Lord John Russell in another place, and the speeches which he had listened to in that House, and which had been delivered by the noble Earl at the head of the Government. He read that the two noble Lords to whom he alluded had made speeches in the other House, so worthy of the dignity of the country, so firm in purpose, so decided with regard to the proceedings of the Government, so positive in their declarations with regard to hostile measures, so condemnatory in every way of the conduct of the Emperor of Russia, so approving, applauding, and asserting the progress of Turkey, stating that they were not fighting for a shadow when they were fighting for the independence of a great progressive power, and stating so distinctly that, under the circumstances in which they were placed, they should go right forward in the course which they had professed to take, namely, to act as the firm and faithful ally of the Porte—that the deduction to be drawn from those speeches was, that no peace would be entered into which did not afford a proper security for the independence of Turkey, and a firm guarantee also for the general peace of Europe. That warlike tone—those spirited phrases—that appeal to the people—that urging on of great armies to proceed—that calling upon the patriotism of the people to support them, contrasted strongly with the speeches they had heard in that House, where a tone had been assumed which would have been perfectly appropriate in the mouths of Mr. Pease and Mr. Sturge. He found in the speech of the noble Earl a sentence which was not only a contrast, to the speeches of his Colleagues in an-



other place, but which had the effect of making the present state of affairs so gross an anomaly, that he felt the necessity of adopting some vote like that which he proposed. The noble Earl at the head of the Government, in answer to the noble Earl at the head of the Opposition, observed that, when that noble Earl said he was more of a war Minister than he had intended, he had put forth more truth than he perhaps contemplated; for, said the noble Earl, "I can assure him in good truth that if I have any misgiving, it certainly is not that we have been too pacific." Was not that a direct contradiction to the whole statement made in the other House? Did the noble Earl say he was forced to go on against his opinion? Did he still say he had a misgiving whether they were right in going to war? Did he persist in saying, that while his colleagues were blowing the blast of war, he was still hanging on to some hopes of peace? He (Lord Beaumont) could not imagine anything more puzzling or more strange. But the noble Earl said more than that; he said, "the feeling is a generous one, to resist aggression and injustice; but it is not for us to encourage that feeling." He (Lord Beaumont) differed widely from the morality of the noble Earl, who proceeded to add, "On the contrary, it is the duty of the Government as much as possible to resist such feelings, however natural and generous they may be, and to direct them in the course of a more pacific policy." He (Lord Beaumont) differed totally from the noble Earl, and asserted that it was not the duty of the Government, nor of any man, to try to suppress feelings that were honourable in themselves, or to encourage the people to adopt pacific views—that is to say, peace at all price—when war should be the honourable choice. Why should they attempt to crush everything that was patriotic, noble, and generous in the hearts of the people, and to instil into them those ridiculous and absurd doctrines that were preached by that absurd society called the Peace Society? They might smile at the mention of that Society; but it was no smiling matter, when the same doctrines were preached by the head of the Government that were held up by that little club of ridiculous people.

He should now proceed to refer to the conduct of the Government since the meeting of Parliament; and it was upon their proceedings since the meeting of Parlia-

ment that he justified his present Motion. At the meeting of Parliament Her Majesty stated that documents would be laid upon the table relative to the war in the East, and they were informed that, though efforts to obtain peace had been unremitting; they had been unsuccessful; but that, nevertheless, they would be proceeded with, and that it would be necessary to support those efforts by an increase in the naval and military forces. Now, he (Lord Beaumont) presumed those documents were laid there to be read and studied; and he could not understand the allegation that it was useless "to potter" over those papers. They were informed of the position of affairs at the meeting of Parliament, and, though the information given them by the Government was not very precise, it was sufficient for the purpose, and as much as he thought ought at that period to have been given. At that time the note founded on the protocol of Vienna was still before the Emperor of Russia, no positive answer had been received from him, and the Porte, from whom the note was supposed to have proceeded, with the approval of the Conference, had allowed forty days for the Emperor to answer it. He understood that note to be the *ultimatum* of the whole of the Powers that were represented at the Conference, and that if in forty days no answer was given, or if the note were rejected, there was nothing left then but the last thing they could appeal to—namely, war. Since that, he believed positive information had been received that the Emperor of Russia declined to accept the terms; and after that it was naturally expected that the next step would have been a declaration of war, or, at any rate, that a Message would have come down to Parliament announcing the position in which they then were, and that the last appeal by negotiation was totally at an end. Instead of that, what took place? There had been no information from the Government, there had been no Message from the Crown; on the contrary, whenever an attempt was made to obtain any information from the Government, the members of the Government in that House answered in a manner the most puzzling that was possible. The answer of the noble Earl the Secretary of State for Foreign Affairs was indeed not only ingenious, for it left them more in the dark than before, but it also, he believed, truly represented the exact position of the Government. Their Lordships would well remember the comments that had been

made on the noble Earl's answer, in a most facetious tone, by the noble Earl opposite (the Earl of Derby). The noble Earl (the Earl of Clarendon) stated that they were not at peace—that they were not at war—that they were not neutral; but that they were drifting towards war. Now, drifting meant this—and he believed it to be the true position of the Government at the time—drifting was applied to a ship that was going with every wind and tide, and would not obey the helm, and he believed that was the true position of the Government at the time, and he was afraid it was the position of the Government at present. He believed that they were then catching at straws—hoping against hope—thinking that something would happen—that perhaps Austria would come forward and make some convenient bridge for the Emperor to get off—that Count Orloff might propose some more pacific measure—that it was possible that at Berlin something might occur—that something would occur, perhaps, in the Principalities—that the Emperor might win some battle—whereas, on the contrary, he had lost a battle, on the Danube—that his pride would then be satisfied, and that he would come to an arrangement. But everything had turned out contrary to what they expected—all these sources had failed them. Count Orloff's message was more hostile and warlike than any answer that had been received before—the proposal from Vienna had been rejected with scorn—nothing had taken place in Berlin of which he was aware—and instead of the Emperor of Russia winning a battle, he had suffered a defeat. Under these circumstances, he thought that they would have had, at any rate, a Message from the Crown, or some information from the Minister, to show that, instead of drifting towards war, the ship obeyed her helm, that she had luffed up, and that they were really going to take some decided course. Nothing of the sort; and it appeared to him most extraordinary that, Parliament being sitting, there was no Message from the Crown or statement from the Minister, and that all they could know of the state they were in was to be obtained from the public newspapers, and not from the Minister in Parliament. To his astonishment, he found by the public papers, that a proclamation had been issued which would interrupt the trade of the country—which set aside an Act of Parliament—which prevented men from carrying on their trade—a pro-

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clamation which would be justifiable in the case of a war, when the safety of the country required it—which was requisite for the public security, under the circumstances of their going to war with Russia, but which could hardly be reconciled with the assurances of the noble Premier, and the hopes he held out that no hostile measures would be necessary. That proclamation had appeared in the public papers, and yet not only had there been no declaration of war, but they had had no Message from the Crown, or statement from the Government. All they could gather from the speech of the noble Earl at the head of the Government was, that they were still at peace, and likely so to remain; it is true the speeches of the noble Lords in the other House of Parliament indicated something like war, and the noble Earl the Secretary for Foreign Affairs stated that they were drifting towards war. Surely under these circumstances, as Parliament was sitting, some communication ought now to be made, which, if not equivalent to a declaration of war, would let us know what we were about, and which, going forth to the world, would let it know in what position our fleets were placed. They should consider the dangers to which our merchantmen might be exposed. We might hear some day of some accident having happened. He understood there were now Russian vessels in the Adriatic, and it was possible that some of our ships might fall in with them. If such a thing happened, what was to be done? Would they salute each other? or would our ships seize upon the Russian ships? Or, suppose that the Russian ships should be found acting in co-operation on the coasts with the Palicari, or with Albanian or Greek robbers, who had got possession of some of the mountain passes of Albania, and were trying to raise a rebellion there, until there was a declaration of war, how could the British men-of-war interfere with them? They should have a declaration of some kind; that declaration, indeed, he thought should be a declaration of war, as that would be the natural result of the Emperor of Russia's refusal to accept the *ultimatum* at the expiry of forty days; but whatever that declaration might be, it should be one which would put an end to the contradictions which now characterised the speeches of Ministers. These circumstances justified him in bringing the subject before their Lordships; such a state of ignorance ought

not to continue; they ought to be enlightened with regard to the intentions of Government; they should know the position they were placed in. He understood, also, that in the China seas there was a large—certainly a Russian—force. In addition to that, he was afraid of something which was still more serious—and he would be candid on that point, for it was the great object he had in view in making the present Motion. He was afraid the Government considered that the note which resulted from the protocol of Vienna was still under the consideration of the Emperor of Russia; and he was afraid, that if the Emperor of Russia now accepted that note, the Government would feel themselves justified in coming to an arrangement. Now, he (Lord Beaumont) protested against that—he protested against the possibility of such an act altering the situation of affairs. If they made peace in that way—if they allowed the Emperor of Russia, after he had put them to the expense of fitting out 10,000 or 20,000 men—sending their fleets into the Black Sea and preparing for war—after he had insulted this country in the manner he had done—after he had warred against the opinion of Europe and attempted to trample down the people of Turkey—after he had laid desolate two provinces on the banks of the Danube and destroyed the trade there, blockaded its mouth, and injured the best interests not only of Turkey, but of the whole of Europe—if, after he had done all that—after they had condescendingly and generously given him twenty bridges to retreat over without loss of honour, and he had obstinately refused to avail himself of them—they offered him terms almost equivalent to the terms he originally asked—if they offered now again to sacrifice Turkey, which they would have done if the Czar had accepted any of those offers—if, after he had done all that, they had agreed not only to put him in as good, but in fact in a better position than he stood in before he undertook this unlawful and immoral war, he (Lord Beaumont) protested against their purchasing peace at such a price. But he feared that a portion of the Government would eagerly seize upon that straw. He had no fear that the noble Lord the Secretary of State for the Home Department would accept such terms. His language was the language he wished to hear in that House, and that noble Lord's tone, the tone which he wished Ministers would assume there. He had no fear that

the leader of the House of Commons, who had made a most eloquent speech, and had spoken out like a man on the subject, to use a vulgar phrase, would submit to such terms; but from all he could collect from the members of the Government in this House, particularly from the noble Earl at the head of it, such terms as these might be acceptable to them. He protested against anything of that sort; but he found, on comparing the expressed opinions of the Prime Minister with all that had fallen on a previous occasion from his noble Friend below him (Earl Grey), except his depreciation of Russia, there was a nearer approach between his noble Friend and the noble Earl at the head of the Government, than between the noble Premier and either of the noble Lords to whose speeches elsewhere he had alluded. If the noble Earl really agreed with his noble Friend below him; if he really thought that the independence of Turkey was a shadow, and that in fighting for Turkey they were fighting for a mere name, he did not think the noble Earl was justified in going to war. If he held those opinions he should recommend them at once to accept any peace they could get, to agree to the Menchikoff note, and to bully the Porte into accepting it. The noble Earl below him (Earl Grey) had said that Turkey was not an independent Power; but he (Lord Beaumont) would undertake to prove that Turkey was as independent a Power as any other Power in continental Europe. It was said that Turkey must either rely upon some of the Western Powers or upon Russia; but admitting the truth of that statement, was there, he asked, a Power in Europe that must not rely upon some of its neighbours, or upon some great Power in Europe, if there should be a combination of other great Powers against it? Was Austria independent? Why, at one period Austria could not have existed for an hour without the support of Russia; and if Russia were to attack her she could not exist an hour if Turkey were not to defend her southern frontier. Could Austria exist if the other Powers in Germany rose in rebellion against her, except she was protected by Russia? He would remind their Lordships of what had taken place in 1850, when the course taken by Prussia would have been fatal to Austria had not the Emperor of Russia interposed in a manner even more violent than he had done towards Turkey: for he drew up a plan for the settlement of the disputes be-

tween Austria and Prussia, and said, "Accept this, or I will march upon you." He treated them both as dependent Powers, and dependent Powers they were. The consequence was, that Prussia was obliged to succumb and obey the mandate of the Czar; she did so, she eat dirt; and the Emperor of Russia told the Emperor of Austria that he could not defend himself against one of his own revolted provinces; but that he, as his protector, would come to his assistance, and that the Emperor of Austria should pay him for it by putting himself entirely at his disposal. For the time, Prussia, Austria, and the other States of Germany were the vassals and slaves of Russia; and that vassalage and slavery existed till the tie was broken not by the manly conduct of Austria or Prussia, but was broken by the cannon of Omar Pasha at Oltenitza. Luckily there was now an opportunity afforded to them of assuming their former position, and he trusted they would, by ranging themselves on the side of national independence and of Turkey, throw off the incubus of Russian influence. What other States were completely independent of all aid in Europe? Was Spain or Portugal? Certainly not. The United States of America are, and perhaps this country and France are, independent Powers; but could even France or England be considered perfectly secure without allies? France and England had wisely sought an alliance with each other; but one of them opposed to the rest of the world would fight an unequal battle, and this is exactly the case with the Ottoman empire—namely, that Turkey, by herself, would also fight an unequal battle. She must seek alliances somewhere to defend herself against the aggression of a foreign Power, as every other Power in Europe under similar circumstances would be obliged to do, and this fact showed the wisdom of General Marmont's observation, that she must seek an alliance either with the Western Powers or with Russia. She preferred the alliance of the Western Powers; but unless they treated her cordially and as an independent State she would be driven into an alliance with Russia, and such an alliance was one of the great objects of Russian statesmen. He believed Russia, when she professed that she did not want to take territory from Turkey, or to take a portion of it herself and give a portion of it to another State; but she desired that Turkey should be united to her in such a manner that she would possess not a province here or a province there, but that she would

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be able to exercise a moral influence throughout the whole of Turkey. She might wish to acquire Constantinople, but he believed she would never attempt to hold Constantinople, as she knew the race of men who now possessed it, and she knew that the Sea of Marmora would be one pool of blood, and that no mosque or minaret would be left standing before the Osmanli would permit the Muscovite to possess those territories. She therefore thought it would be better for her own interests to spread a Russian protectorate, which would act like a subtle poison over all the institutions of Turkey, so as to keep her in a state of subjection and enable the Czar to exercise a kind of sneaking control over her. They had now an opportunity of thwarting this long-cherished design, and of driving Russia back from the Principalities over which she had exercised a protectorate, and they should not let slip by that opportunity, but put an end to that protectorate, not only as regarded Wallachia and Moldavia, but as regarded Servia, which had been exercised so much to the detriment of the Ottoman empire. It was their duty to be prepared to do something which might confer a lasting benefit on Europe now that they were preparing to expend their money and their blood and to involve themselves in war. He believed this country would never be satisfied if the war they were about to commence did not lead to some better result than the protocol of Vienna—if it did not, above all, secure the real independence of the Ottoman empire. They should also throw back the Russians from that ground which was called the quarantine ground, at the mouth of the Danube, where, under the name of a quarantine station, she had forts to control the commerce there. The mouth of the Danube should be cleared, and they should establish on it, like all other great European rivers, a highway for all nations and for all flags. This country had now gone too far to go back, and they must for ever shut the books on the table, and no more look to the miserable Vienna note, or equally paltry protocol of the Conference; but they must look forward to making Turkey and Russia distinct countries, without any of those treaties between them which encourage mutual aggression and interference. He was sorry to find that some persons mixed up with the question of the freedom of the Danube the question of the freedom of the Black Sea, and spoke against the treaty of 1841,



which closed the Dardanelles against foreign vessels. But he (Lord Beaumont) would stand by that treaty. It was a wise and safe treaty for Turkey, and a still wiser and safer treaty for England and France. That treaty, in time of peace, shut the Dardanelles against them, but it also shut the Bosphorus against Russia. Let them consider what was the effect of that treaty. Although Russia could build any amount of ships she liked in the Black Sea, and could also man them and exercise them, as she possessed some of the finest harbours in the world there, she could not, while the treaty of 1841 was in existence, take them into the Mediterranean. If she were not at war with the Porte, her fleet would be perfectly useless to her, because it would be shut up in the Black Sea. All that Russia would be able to do, in the event of a war with England, would be to put a stop to that portion of our trade which was carried on between Constantinople and the ports in the Black Sea; whereas, if the treaty were not in existence, she would be able to come suddenly down into the Mediterranean, and thus keep as large a fleet there as she now kept in the Black Sea. This would oblige us also to increase our fleet in the Mediterranean, and would add both to our danger and to our expense. The treaty of 1841, therefore, guarded this country against surprise by shutting up the Russian fleet in the Black Sea. Certainly, if it were not for that treaty, they could go into the Black Sea; but where would be the use of their going into the Black Sea, unless they went in there with a larger fleet than was possessed by Russia? When we wanted to go into the Black Sea it was generally in consequence of some aggression on the Turkish territory, and when that took place the treaty fell to the ground. Surely a treaty could not be made upon a safer footing. He wished to see that treaty re-enacted, and its preamble freed from ambiguity. He said this on account of the interpretation which the noble Earl (Earl of Aberdeen) had put upon this instrument; otherwise he (Lord Beaumont) would be perfectly satisfied with the treaty as it stood. The noble Earl said that the treaty shut the Dardanelles, but contained nothing binding us to uphold the integrity or independence of Turkey. Now, taking the words literally, that might be so; but by the spirit of the treaty we were so bound, and it was unworthy of nations to act upon quibbles of this kind. What was the intention of France in joining in the treaty? In a

despatch of the French Government which was not in the blue book, but which appeared in the *Moniteur*—and therefore he presumed he might quote it—it was stated that Turkey claimed, under the treaty of 1841, and now had a right to share in the solidarity which now unites all the European States, and in the security which those States now derived from it. He (Lord Beaumont) thought that Turkey was justified in making this demand; because M. Guizot, alluding to this treaty, called it an official act which introduced the Porte into the public right of Europe, and which declared the common intention of the great Powers to respect the inviolability of the Sultan's rights, and to consolidate the repose of his empire. There could, therefore, be no doubt that this treaty admitted the Porte into the comity of European nations, so that the Porte had as good a right to demand protection against the infraction of its integrity as any Power included in the treaty of the Congress of Vienna had a right to demand assistance should their territory be endangered. He (Lord Beaumont) hoped, therefore, that in future they would hear no more about its being advisable that the Black Sea should no longer be a *mare clausum*. When this question was last before the House his noble Friend below him (Earl Grey) made a speech containing many passages which, if they had fallen from many persons, he should have deemed too absurd for notice, but which, proceeding from an individual who displayed immense ability and judgment in most cases, he felt bound to make some observations upon. He hoped his noble Friend would acquit him of anything ungracious or disrespectful when he declared that he never heard a speech containing so many statements, both of fact and opinion, from which he so completely differed. The general principles which his noble Friend laid down were totally destructive of all society, because, by rendering treaties entirely useless, they would reduce the whole world to a jumble of anarchy and confusion, and leave nations to make what they could for themselves in a universal scramble, instead of appealing to the justice of the common law of Europe, as they now did in all questions of right. He also differed from the noble Earl's alleged facts, although the noble Earl had with great ingenuity strung together, in a very plausible and eloquent speech, isolated circumstances relating at one time to Albania, and at another time to some other equally

obscure territory. The noble Earl's sketch of the Turkish empire was about as true as that wonderful narrative, so agreeable to youth, "*Jack the Giant Killer*." In the first place the noble Earl stated that Turkey was the most intolerant country, and that no Christian was allowed any degree of freedom there. Now he (Lord Beaumont) ventured to say, from fourteen months' personal experience of Turkey, as well as from the assertions of other persons of the highest authority who had resided there, that there was no portion of Europe, not excepting England itself, where such complete religious toleration for different sects and different opinions prevailed as was the case in Turkey. Indeed, so great was that toleration, that—though the opinion might startle some persons—he could wish it were in some degree curtailed, because it at present enabled the clergy to oppress the laity of the different communions. The toleration of Christians in Turkey went to this extent, that there existed no Ecclesiastical Titles Bill there—the titles of Christian bishops of all denominations were acknowledged. Every man might go freely with book and candle to church; and in fact every religious privilege that could possibly exist was enjoyed by different communities in Turkey. The bishops, priests, and other members of the hierarchy were judges in various cases, and they had the power, in certain instances, of putting in force sentences of excommunication. Quarrels, it was true, sometimes happened between tribes of Mahomedans on the one side and Christians on the other, because the Mahomedans had certain privileges which the Christians had not; but he (Lord Beaumont) scarcely recollected a single instance in which any such quarrel had originated on any question of a purely religious character. The case, indeed, was different between the Christians of different sects. To speak from his own experience—in an island in the Archipelago, where Latin and Greek Christians resided, the enmity between the two sects was so great, that when a Roman Catholic sailor was dying, and wished the *viaticum*, the Catholic priest came out with the consecrated host, and was proceeding to the death-bed, when the Greek Christians collected a mob, blew out his torches and candles, insulted him in every way, and prevented him from fulfilling the last rite of his church to the living. Catholic processions with the consecrated Host were frequently seen in the

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streets walking under the protection of the Mahomedan soldiery; and, on the other hand, the processions of the Greek clergy had to be protected from the Latin Christians in the same manner. In Turkey there were innumerable sects of Christians, and they were all hostile to each other. There was no intolerance displayed on the part of the Turks; in fact, there was not one sect of Christians who were not more intolerant towards their fellow Christians than the Mahomedans; and the Turkish Government invariably took the side of order, and did its utmost to maintain it. The powers of the Christian clergy relating to excommunication and some other matters ought to be regulated or withdrawn. During the last fifteen or twenty years Turkey had made vast progress in social improvement, and in the development of administrative reforms. In a great portion of the empire the wise and excellent provisions of the famous proclamation of Gulhané had been in operation, and tribunals of commerce and courts of criminal jurisdiction had been established, and were working admirably, giving protection to life and property, and affording perfect satisfaction to the community. A code had also been published, and was now in operation; the army had been reorganised, and a perfect system of police instituted; financial reforms had been commenced, and it was not the fault of the Turkish Government that the Christian population did not serve and receive promotion in the army in the same way as the Mahomedans. An able Turkish diplomatist had informed him that the Government were fully aware that the system of conscription, by being confined to the Mahomedans, checked the increase of the Mussulman population, whilst it gave undue advantage to the Christian population. His informant also told him that the Government had been most anxious to induce the Christians to serve in the army, because by this extension of the conscription over the whole population of the country, it would fall much lighter upon the Mussulmans, and enable them to follow agricultural and other industrial pursuits, from which they were to a great extent precluded by the existing system. The Government had, therefore, offered to abolish the capitation tax levied upon the Christians on condition that they would accept service in the army, but the Christians of various denominations had refused to render military service, and preferred, and indeed

begged and intreated, to be allowed to pay the capitation tax instead. The provision of the *hatti sheriff* of Gulhané in this respect, although it was now the law of the land, and had been so for some years, had not been able to be carried into effect. In fact, then, Turkey had been making rapid strides in social improvement of late years; and—as the noble Lord the Secretary of State for the Home Department had stated elsewhere—she had made more internal progress during the last fifteen years than Russia had done in 150 years. The noble Earl (Earl Grey) must therefore have been reading some antiquated books when he came to the conclusion that the independence of Turkey was a shadow, and that she was the most intolerant and the most stationary country on the earth.

He (Lord Beaumont) would now briefly refer to the position in which England stood at the present moment, before he sat down. As he had said before, all negotiations had terminated on the 9th of this month. Since then we had been drifting about, as the noble Earl the Secretary for Foreign Affairs said, and now it was time that we should know whether we were likely to take some certain course, and also towards what point the Government intended to steer. If the Government meant now to go to war with a great object in view—namely, to complete such a peace as was likely to be permanent—never could a Government go to war under better auspices. We were closely bound and allied to the great and powerful nation of France by the ties of common interests and common objects, and in vain would any attempt be made to separate the two countries. We had likewise the prospect of having Austria and Prussia with us, to the statesmen of which countries it must be clear and evident, as it was to the world, that the chance of maintaining the independence of these two German Powers rested upon their joint action with England and France. The geographical position of Austria indicated the necessity of such a combination, and the honour of Prussia urged her in the same direction. Had we not, therefore, the certainty of the joint action of these three great Powers in the course we were about to pursue? Further than that, had we not also an ally in the Power on whose land we were going to fight the battle of civilisation against barbarism, of independence against aggression, and right against wrong? Had we not also already witnessed the bravery and the success of the

arms of Turkey, and the people of that country rallying round their Sovereign eager to defend his rights?—had we not also observed the judgment, the intelligence, the honour, and the honesty of the Turkish Government? The ability, and firmness, and good sense displayed by Reshid Pasha and the other Turkish Ministers, was some guarantee that that Government was not likely to be led away by any vain hopes, or to be induced to act without the fullest confidence in the friendship and support of her allies. Nor was this all. Far beyond all these elements of strength, our Government had with them at this moment the people of England, whose patriotic enthusiasm had been fully aroused. Never was a more interesting spectacle witnessed than that presented by the departure of the Guards the other day, cheered as they went by crowds of their fellow-countrymen, and showing by the words which fell from them that their hearts were enlisted in the cause in which they were about to serve. Backed by this immense moral and physical support, it was the duty of the Government to obtain something far more advantageous than a counterpart of the protocol of Vienna—something that should secure a firm and lasting peace. With this view he had brought the subject under the consideration of the House. Let the people of this country be assured that the Government was not engaging in a war in order to patch up worthless treaties—for shadows or phantoms, but for great European objects—for objects worthy of our arms, and for the real and earnest support of an ally and a nation essential to our existence, and who he believed was now fighting our battle as well as its own on the banks of the Danube. Turkey had long been the means of saving Europe from the invasion of northern barbarism, and now we must not repeat our former blunders by leaving her to fight it alone, but identify her cause with our own, and endeavour to draw from our expenditure a permanent good for her and for Europe at large. Well, with all this in our favour, what was there arrayed against us? He could not agree with his noble Friend (Earl Grey) in his estimate of the power of Russia, which seemed to be on a par with that once entertained by a Gentleman who talked of “crumpling it up.” Russia was an immense Power, and in a just cause would not easily be beaten. She was a great military Power, and possessed great moral power over a large por-

tion of Europe, which a short time ago would have given her immense influence over the destinies of both Prussia and Austria. Let them not, then, despise Russia; but still it was true she now stood single-handed against the combination of all the Powers of Europe. By whom was she supported? Not by the public opinion of Europe—not by the Christian population of Turkey, though great efforts had been made to create a Russian cause among them. He knew that there had been some outbreaks in Albania and other places, but he was able, by previous experience, to put a proper estimate on those outbreaks. He knew that the Emperor of Russia had plied the trade of Mazzini in Turkey without either the excuse or the ability of the Italian agitator. Russia's policy was always first to excite disaffection in the countries which she wished to subdue; and she had sought to spread anarchy in the Turkish States by means of agents whom she could afterwards disavow. But she had failed. The Bulgarian population of Russia had evinced a desire to emigrate to Turkey, in order to enjoy the blessings of a milder government. Even the Christian population of Turkey so much dreaded the nominal protection of Russia that they had spontaneously declared that they would sooner live under the rule of the Porte. In Moldavia and Wallachia, and particularly in the latter province, the whole of the liberal party had loudly proclaimed in 1848, and since that date, their wish to be under the simple suzerainty of the Sultan, with the liberties which he had offered them, and to be released from the incubus of the guarantee and protection of Russia. Russia, then, in the present case, stood alone on the one side, and all Europe on the other. Whatever might be the difficulties, therefore, which they might have to overcome, he never could believe that, in a state of circumstances such as that, this country and its allies would not in a very short time have its enemy in such a position as to be able to dictate whatever terms it pleased. This was in truth the real object of his Motion. He had no wish to force on the Emperor of Russia any unjust or exaggerated demands, but he should not have any confidence in the Government unless they demanded of Russia something more than a mere protocol embodying the substance of the Vienna note, and unless they insisted upon some clear and definite measure from Russia which would hereafter ensure the peace of Europe

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and vindicate the common law of nations. He should feel little confidence in the Government if he thought, as appeared to be indicated by the speeches of two noble Lords in the other House of Parliament, that the Government merely contemplated the reinstatement of the protocol of Vienna. But if Her Majesty's Ministers were willing to announce that the objects they had in view were such as were worthy of the country, then he would give them his humble support, and he hoped and believed they would receive the support of the United Kingdom. The noble Lord having apologised to their Lordships for having so long trespassed on their attention, concluded by moving his Resolutions.

THE EARL OF CLARENDON: My Lords, I have listened with great attention to the long, able, and discursive speech of my noble Friend who has just sat down; but I have listened in vain for any arguments in support of the Resolutions with which he has concluded his speech. My Lords, I think that there are parts of those Resolutions which are certainly unobjectionable; but, at the same time, I consider that it is perfectly useless for your Lordships to affirm by a positive Resolution a notorious fact, which was stated in Her Majesty's Speech from the Throne, and that it is also perfectly useless to affirm other statements which have been made in both Houses of Parliament. I think it also highly objectionable that your Lordships should tie your hands with reference to the results of a war which is not yet commenced, in order to give scope to speculative or administrative reforms in Turkey. But I hope that my noble Friend, now having had that opportunity, which he says he did not have the other night, of making his speech, will not press the Resolutions which he has now laid on the table. And, my Lords, I am certainly not about to follow—even if I were able to do so—my noble Friend through the various topics to which he has at different times returned and returned again in the course of his speech. I shall not follow him through his details, neither shall I refer to the despatch of M. Pozzo di Borgo, nor to the details in the *Times* newspaper, nor to the Russian iniquities which he has recounted, nor to the Turkish statistics into which he so fully entered: nor, since it has been my duty to trespass on your Lordships' attention at some length on a very recent occasion, should I have troubled you at all this evening, had it not been that



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tion of Europe, which a short time ago would have given her immense influence over the destinies of both Prussia and Austria. Let them not, then, despise Russia; but still it was true she now stood single-handed against the combination of all the Powers of Europe. By whom was she supported? Not by the public opinion of Europe—not by the Christian population of Turkey, though great efforts had been made to create a Russian cause among them. He knew that there had been some outbreaks in Albania and other places, but he was able, by previous experience, to put a proper estimate on those outbreaks. He knew that the Emperor of Russia had plied the trade of Mazzini in Turkey without either the excuse or the ability of the Italian agitator. Russia's policy was always first to excite disaffection in the countries which she wished to subdue; and she had sought to spread anarchy in the Turkish States by means of agents whom she could afterwards disavow. But she had failed. The Bulgarian population of Russia had evinced a desire to emigrate to Turkey, in order to enjoy the blessings of a milder government. Even the Christian population of Turkey so much dreaded the nominal protection of Russia that they had spontaneously declared that they would sooner live under the rule of the Porte. In Moldavia and Wallachia, and particularly in the latter province, the whole of the liberal party had loudly proclaimed in 1848, and since that date, their wish to be under the simple suzerainty of the Sultan, with the liberties which he had offered them, and to be released from the incubus of the guarantee and protection of Russia. Russia, then, in the present case, stood alone on the one side, and all Europe on the other. Whatever might be the difficulties, therefore, which they might have to overcome, he never could believe that, in a state of circumstances such as that, this country and its allies would not in a very short time have its enemy in such a position as to be able to dictate whatever terms it pleased. This was in truth the real object of his Motion. He had no wish to force on the Emperor of Russia any unjust or exaggerated demands, but he should not have any confidence in the Government unless they demanded of Russia something more than a mere protocol embodying the substance of the Vienna note, and unless they insisted upon some clear and definite measure from Russia which would hereafter ensure the peace of Europe

*Lord Beaumont*

and vindicate the common law of nations. He should feel little confidence in the Government if he thought, as appeared to be indicated by the speeches of two noble Lords in the other House of Parliament, that the Government merely contemplated the reinstatement of the protocol of Vienna. But if Her Majesty's Ministers were willing to announce that the objects they had in view were such as were worthy of the country, then he would give them his humble support, and he hoped and believed they would receive the support of the United Kingdom. The noble Lord having apologised to their Lordships for having so long trespassed on their attention, concluded by moving his Resolutions.

THE EARL OF CLARENDON: My Lords, I have listened with great attention to the long, able, and discursive speech of my noble Friend who has just sat down; but I have listened in vain for any arguments in support of the Resolutions with which he has concluded his speech. My Lords, I think that there are parts of those Resolutions which are certainly unobjectionable; but, at the same time, I consider that it is perfectly useless for your Lordships to affirm by a positive Resolution a notorious fact, which was stated in Her Majesty's Speech from the Throne, and that it is also perfectly useless to affirm other statements which have been made in both Houses of Parliament. I think it also highly objectionable that your Lordships should tie your hands with reference to the results of a war which is not yet commenced, in order to give scope to speculative or administrative reforms in Turkey. But I hope that my noble Friend, now having had that opportunity, which he says he did not have the other night, of making his speech, will not press the Resolutions which he has now laid on the table. And, my Lords, I am certainly not about to follow—even if I were able to do so—my noble Friend through the various topics to which he has at different times returned and returned again in the course of his speech. I shall not follow him through his details, neither shall I refer to the despatch of M. Pozzo di Borgo, nor to the details in the *Times* newspaper, nor to the Russian iniquities which he has recounted, nor to the Turkish statistics into which he so fully entered: nor, since it has been my duty to trespass on your Lordships' attention at some length on a very recent occasion, should I have troubled you at all this evening, had it not been that

uncandid opposition to which Her Majesty's Government has been subjected; had he not accused us, as others have done, of that which I know is not the fact; and had he not said, in reference to the past, that we have exhibited an easy credulity and behaved without sufficient decision during the negotiations on this question. I will only detain your Lordships a very few minutes by offering a remark on that part of my noble Friend's speech which refers to past events: and, indeed, if I feel bound to offer any explanation to your Lordships and to the country—and, in fact, the only matter concerning which any explanation either to your Lordships or to the country is at all necessary—it is in respect to that part of my noble Friend's speech which refers, not to past events, but to the position in which we now stand, and the objects which we have in view. However, my Lords, with reference to the past, I will say a very few words in reply to my noble Friend. My noble Friend has referred to our ready credence of what was stated to us by Russia. I say that, up to the beginning of May, when we knew that Prince Menchikoff had other designs than those which we were led to believe—I say it would have been impossible not to have given credit to those frequent, those solemn, and, in many instances, unsolicited assurances which we received from Russia; and I am perfectly certain that my noble Friend himself, if he had been in our place, would have done the same. As soon, however, as we found—which was within less than two months after these negotiations commenced—as soon as we found what was the course of policy being pursued by Russia—as soon as we found that it was not what we had been led to expect it to be, there was never for one moment any hesitation in our opinion as to the course we should adopt. We declared our determination to uphold the integrity and independence of the Turkish empire; we advised the Sultan not to assent to anything contrary to his dignity or independence; and we assured him, and we told him that if the terms which he proposed, and which were consistent with his dignity, were refused by Russia, he might then securely count upon our active support. But, at the same time, my Lords, we strenuously and sincerely laboured in the cause of peace; and if my noble Friend had had the candour to put himself in our place seven or eight months ago, he would, I

and for the interest of our ally; but, above all, for the interest of Turkey, which is mainly in view, that we should not have rushed into war. The state of things, at that time, was this—that Turkey was wholly unprepared for war, that she could have offered no resistance, that there was no Baltic fleet, and that, at this very time, our own fleet, except that portion of it which was at Besika Bay, and also the fleet of France, were scattered over the world; while Austria and Prussia, condemning alike with ourselves the occupation of the Principalities, were entreating us not to resort to warlike measures until remonstrances and representations had been made to Russia, but assuring us that if those representations were not effectual, they would act in concert with us. And your Lordships must bear this other fact in mind, that no sooner had a Russian force entered the Principalities, than the Emperor of Russia asked for the mediation of Austria, whose principal object was to get him out of the Principalities. So far from there being at that time any desire for war, or that enthusiasm which my noble Friend has said exists at this moment, no one would listen to war, or believe in its possibility. But my noble Friend and others say that we did not use strong language, which would have controlled the Emperor of Russia, and prevented war. My Lords, strong language means menace, and menace means war; for I suppose my noble Friend does not mean that we should menace the Emperor of Russia unless we were prepared to support the menace; and I say you have no right—that my noble Friend has no right—to say that the Emperor of Russia more than any other man would have bent to menace. In speaking of Russia, let it be remembered that we are speaking of, and dealing with, a very great nation, and also with a single man, a man holding despotic power and irresponsible for the exercise of it; accustomed to the predominance of his will, and possessing great resources. I should like to know why the Emperor of Russia should have bent to menace, and why he should have evacuated the Principalities upon the English and French fleets occupying the Black Sea? If we had then gone to war—gone to war, mind you, as my noble Friend says, on account of the great military preparations that Russia had made—on account of the vast armaments and corps d'armées that were collected on the Turkish frontier—

what would have been the sentiments of the people of England? If Russia was then prepared, as my noble Friend thinks she was, and we had gone to war, there was nothing to have prevented the Russian army from crossing the Danube and proceeding towards Constantinople. Now, I believe that Russia could not have crossed the Danube, and I believe that, as my noble Friend (Lord Beaumont) says, territorial aggrandisement is not what Russia wants; but what would have been the consequence of that if it had taken place—the Turks being unarmed, unprepared, and unable to resist? Why, the consequence would have been that the Russians would have exacted, from the fears and weakness of Turkey, what terms they had desired; while Austria and Prussia might fairly have said to us, “You have disregarded our interests, you have disregarded our entreaties; you have not allowed us to use the means at our disposal; you must not, therefore, be surprised, nor quarrel with us, if you find that our alliance with Russia is cemented.” The people of this country would have been justly indignant if no measures had been taken, if no attempts had been made to save the vast foreign interests of this country from the calamities of war. But, my Lords, we acted otherwise—we acted as our accusers would have acted, or as any men of sense and alive to the consequences and responsibilities of their own acts, would have acted; and what have been the consequences? Why, as even my noble Friend admits, a powerful army has been raised in Turkey with an alacrity that is perfectly wonderful; that that army has already done great and good service; and that a national spirit, wholly apart from a fanatical spirit, has been raised in Turkey, which inspires the utmost confidence in the vigour and vitality of that country; while Austria and Prussia, grateful for the deference that we have shown to their opinions, and as fully alive as we are to the aggressive and mischievous policy of Russia, are now with us. We no longer hear any talk about neutrality. It was only this day that I heard by telegraph that 25,000 fresh troops had been ordered by Austria to the frontier. We ourselves shall shortly have in the Downs as effective and powerful a fleet as ever left the shores of England to sustain her glory; the French Government are precisely in the same position; while the conviction existing in England that war is inevitable, because every means of main-

*The Earl of Clarendon*

taining peace have been exhausted, will be a very important source of success. I say, then, my Lords, that we have brought to bear against Russia an amount of moral and material power such as no nation on earth ever before had to encounter; and that this is the result of six months forbearance and moderation. And now, my Lords, that the facts are before the people of England, who in their judgments are always just and reasonable, to judgment and sense of justice we appeal. They admit that these things are so; and as to the charges brought against us of credulity and connivance to the dishonouring of England, there is no echo of these accusations from the people of this country.

My Lords, I now come to the part of my noble Friend's speech in which he asked, what is our present position—whether we are at war? and very justly deduced that we are not at war, because no declaration to that effect has been made by the Government in either House of Parliament. My noble Friend seemed to show a most feverish and nervous anxiety lest the deferring of the declaration of war should indicate a settled determination on the part of the Government to maintain peace. I can to a certain extent relieve the mind of my noble Friend on that subject; because, although I certainly am just as desirous for peace as ever, and should be just as happy as ever if I could inform your Lordships that peace was now attainable upon just and honest grounds, yet I must say that I see no prospect of such a thing. Just and honourable terms have been in the hands of the Emperor of Russia. He might, with honour to himself, have relieved Europe from the state of suspense and anxiety in which it now is, and have saved it from the calamities of the war in which we may now be about to plunge; but he has rejected all overtures of a pacific nature, and has added to his original unreasonable demands requisitions that cannot for a moment be entertained. He has made representations and addressed remonstrances to his nearest allies; and by a requisition to them to connect themselves with his policy, it is not too much to say that he has hurled defiance at Europe. My noble Friend need not be under any apprehension that that challenge will not be taken up. But your Lordships must be well aware that we are not acting alone; it is not a quarrel between England and Russia alone;—we are acting with allies



and for allies, and it would be the height of imprudence were we not to take all the precautions which the circumstances of the case render necessary; or if we were to be induced by any sneers or reproaches to declare or to announce anything which we do not consider the actual state of things to require. I am quite sure that your Lordships will not require that we should do so. Your Lordships never do require that any statement should be made by a Government which they believe would be prejudicial to the public service; and your Lordships will readily understand that, as Austria and Prussia have fully entitled themselves to our confidence, it is our duty to defer to a certain extent to their wishes, as well as our interest to know what, under certain contingencies, will be their policy. We are also bound to consult, not alone the wishes, but also the dignity of the Sultan, and to inform him of the measures we are about to take in order to guard the integrity and independence of his empire. We have consequently proposed to the Sultan a convention, and until his assent to that is given, it would be to consult neither his dignity nor his independence to land an English and French army upon his territory. My noble Friend need therefore be under no alarm in consequence of the declaration of war not having yet been communicated to the Houses of Parliament, because he must be aware that no time is lost and no injury caused by the delay; that during this time our preparations are being carried on with all necessary vigour and energy; and that the fleets and armies of England and France will be in a state to carry out effectively the great purpose of any war—the prompt restoration of peace.

My noble Friend has said much about what the objects of that peace should be, and has required your Lordships to bind yourselves to what shall be the ultimate object in view. I think, however, that your Lordships will be of opinion that it would be a most imprudent course—nay, it would be an impossible course—for you to pledge yourselves as to the results of a war which has not yet commenced, and upon the contingencies, upon the proverbial chances and uncertainties of which they must depend. There are many things which may be just and desirable to be attained, but which at the present moment it is totally impossible for us to say can be attained. Many of the things my noble Friend has alluded to may be just and de-

sirable—it may be desirable that none of the treaties now existing between Russia and Turkey should continue in force. But, by the way, there is a great misapprehension about those treaties. I will take, for instance, the treaty of Kainardji. Why does the Emperor of Russia quarrel with that treaty? Because he says it does not give him what he wants, and that it is ineffectual for its purpose. He wants to interpret it in a manner in which Europe will not permit him to interpret it, in order that he may get a power and influence which he can get in no other way. It is the 7th article of that treaty on which he rests his claim. What is that 7th article? He says that the Sultan promises, by that article, to protect the Greek religion and all its churches throughout the Ottoman empire. I must say that this is a very proper pledge for a Mahomedan Power to give to a Christian one; but it is limited to, or rather it extends no further than, the general protection; and the only intervention permitted to Russia with respect to the Greek Church is with respect to a church at that time building in Constantinople. It, therefore, proves that the Emperor has no right to protect the Greek Church, which does not equally apply to other denominations. So much with respect to the treaty of Kainardji. I say the same with regard to the treaty of Balta Liman in respect to the provinces. The Emperor of Russia is not in possession of the Principalities by virtue of that treaty, but in violation of it. If that treaty had never existed, his troops might, and probably would, have been there. He is there by the right, or rather by an abuse of the right, of vicinage. The Emperor of Russia has an army on the frontier, and whenever he wants to coerce Turkey he marches into her neighbouring territory; that is all that it has to do with the existence of a treaty. I was going to say, however, that it might be just and desirable to effect some of the things alluded to by my noble Friend. It might be desirable not to retain these treaties; it might be very desirable or very just to take from Russia, and to restore to the countries from which they had been taken, various territories which Russia had taken from other countries; it may be very just and desirable to make Russia pay the cost of the war; but, my Lords, it is impossible that we should take any resolution upon any of these subjects without knowing with what skill and with what success the war will be con-

ducted, or what will be the position and circumstances of the Emperor of Russia at its conclusion. The predilection of Mr. Pitt for the French Royal Family, for the Bourbons, was certainly very strong. No one could desire more than he did, as the result of the war, that they should be restored to the throne of their ancestors; yet throughout the war, notwithstanding that he was constantly pressed to do so, Mr. Pitt never would say that the restoration of the Bourbons was the object of the war, or should be the ground on which peace should be concluded. In the same way, my Lords, I affirm that we cannot now come to any resolution as to how a peace shall be made durable, or how Turkey shall so become a portion of the great European family as shall tend to make peace durable. My Lords, for my own part, I think that we are now on the threshold of very momentous and important events; and I think that it would ill become the gravity of the moment and the circumstances of the case to come to any resolution such as is suggested by the noble Lord. We are now approaching—or rather, I may say, we are already embarked in—that great question which has long been foreseen, and which has long been postponed, by all the ablest and clearest-sighted statesmen in Europe, on account of its magnitude—of the universal political embarrassment and commercial dislocation which it would cause; but, my Lords, as we are about to undertake it, and as we have been forced into it against our wish, I say that it ought to be settled, and firmly settled, once for all. I again repeat, my Lords, that it is impossible for us at this moment to tell what the result will be; but I can assure your Lordships that it is the purpose of every man who directly or indirectly will take part in this war, and that it is the purpose of Her Majesty's Government, so far as the course of events will permit, to do that which is necessary for the future security and tranquillity of Europe—to check the aggressive and ambitious power of Russia;—I say that it will be necessary to maintain the integrity of the Ottoman empire; I say it will be necessary to take solid guarantees that Europe shall not be again deprived of the great blessings of peace; but I say also that neither this country nor the other Christian Powers would fulfil the great duty that has devolved upon them, nor, indeed, would they consult the best interests of the Sultan himself, if they did

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not take this opportunity to secure equal rights and equal justice to the Christian subjects of the Porte, and to pave the way for that progress and prosperity which Christian civilisation would bring about in that empire.

THE EARL OF MORNINGTON was understood to blame the Government for having, at one stage of the transactions, placed too great confidence in the assurances of peace made by Russia, while that Power was actively arming for war. He thought that, in the face of certain notorious facts, they ought to have required from that Power more distinct and positive explanations. It was necessary, in his opinion, in order to maintain the just balance of power in Europe, to deprive Russia of that power which she exercised, under the pretext of religious treaties, against the independence of the Sultan. The Russo-Greek communion and the Greek Church were as different as Protestantism and Romanism; and, therefore, the Emperor of Russia had no justification for putting forward the claims he had made to the protectorate of that Church. He had a great respect for the Turkish character, and very little for the position of the Greek and Christian population generally in the Turkish dominions; but the way to improve that population and to render them more moral was to let them see that all Christian nations collectively in Europe were ready, should they be oppressed by the Turks, to interest themselves in their behalf for the sake of Christianity, but not for the purpose of supporting one sect against the other as had hitherto been the case.

LORD LYTTTELTON: My Lords, on this question I will not say that it is my misfortune to agree with the noble Earl (Earl Grey): I do not put it in that way, for I am very glad to agree with that noble Earl whenever I can. But I have the misfortune to hold to some extent, in common with him, views in which I fear very few of your Lordships, very few people of this country, concur. That being so, I have, indeed, no sort of satisfaction in giving expression to these views in this place. A noble and learned Lord (Lord Lyndhurst) once quoted here a saying of a learned man in old times—*Nunquam libentius loquor, quam cum quod dico auditoribus displicet*. The noble Lord said he did not share in that feeling—neither do I. But I do feel unwilling that the noble Earl should be alone in this House in giving

expression to those opinions; and I hope I may ask the indulgence of the House if I now act on that feeling. I do not profess adhesion to all the views stated by the noble Earl. Concerning the condition of the Russian and Turkish empires—concerning the old question of the balance of European power—I will only say, that what the noble Earl said seems to me deserving of serious consideration. I propose to take a much narrower ground—to confine myself to the demand of Russia—for what I presume was the most important point in the recent negotiations, the power of interference, control—what you will—over the affairs of the Greek Church in Turkey, and, with reference to that, to the period of Prince Menchikoff's mission. Since, or nearly since that time, I much agree with the noble Earl (the Earl of Derby), that, mainly, I suppose, by the indecision and embarrassment of the Austrian Government, the negotiations became such as it is very difficult to understand, to follow, or to recollect. I trust that no apology is required—an apology is due at any time from so insignificant a Member of the House as myself, for troubling the House—but I trust no apology is required for adverting to these early negotiations. At least, I do not think there has been any general response to the opinion expressed in some quarters, that it is a waste of time to speak of these early transactions. I apprehend it has always been the custom, the right, and the duty of Parliament, closely to scrutinise the origin of wars; that it is important for various reasons, and especially with respect to the guidance of our future policy. Now I by no means deny that, preceding and accompanying Prince Menchikoff's mission, there was much in the conduct of Russia to excite suspicion and disapproval—in her vast armaments, in the imperious tone, and in the demand for secrecy, which he was instructed to make use of. But that is not the exact question. I wish to look at the actual demands made by Russia, and at what our negotiators were prepared to concede; and I desire to ask attention, with perhaps rather more precision than has yet been done, to the words of some of the more important documents of that time. It seems that there were four important papers issued by Prince Menchikoff; and what I would urge is, that as that series of proposals was a series of concessions on the part of Russia, so the difference of the parties, which began by

being one of substance, became one of form, and in the end even that difference of form was obliterated. The first paper was a project of secret treaty; the second, a letter proposing a different sort of convention; the third, the actual draft of convention founded on that letter; the fourth, the well-known note or *ultimatum*. I must ask leave of the House to read the particular clauses in these papers which bear on my point. The first is this:—

“The Greek religion shall always be protected in all the churches; the representatives of the Imperial Court shall have the right to give orders to the churches in Constantinople and in other places, as well as to the ecclesiastics; and as these recommendations proceed from a friendly and neighbouring Government, they shall be well received.”

No one can doubt that this is an objectionable proposal. Considering the relation of the parties, of course these “orders” would be peremptory ones; and their being “well received” means, of course, the absolute submission of Turkey. In the very next paper these grounds of objection have disappeared. It is there merely said that “a *sened* or convention shall be made for the guarantee of the strict *status quo* of the privileges of the Catholic Greco-Russian rite of the Eastern Church, and of its sanctuaries.” The third paper puts this in a definite form, namely, the article—

“No change shall be made as regards the rights, privileges, and immunities which have been enjoyed by, or are possessed *ab antiquo* by, the orthodox churches, pious institutions, and clergy in the dominion of the Porte, which is pleased to secure the same to them in perpetuity, on the strict basis of the *status quo* now existing.”

The fourth is substantially the same as the third, but the form is varied from a convention to an official note. Now this question is one partly of substance, partly of form—partly the form of the question is itself its substance; and I would first ask the attention of the House to an important despatch of Lord Stratford, inclosing (under date 15th May) a proposal which he then thought, between the time of the third and fourth proposals of Prince Menchikoff, might be accepted by the Porte. In that despatch he states—“Your Lordship will perceive that it gives everything required by Russia, except the form of guarantee.” Now it is true that these words are not literally correct. The clause referred to does concede all that Russia asks, but that the limiting words are added, “as regards spiritual matters.” And I am aware that in some parts of these

papers, stress is laid on this circumstance. But I apprehend nothing can, in fact, be built upon it. For whatever Lord Stratford may have thought about it, it is clear that the Porte itself was prepared to go beyond those words. This appears in many places, but especially in a firman which the Porte issued, or was to issue, at a subsequent period, and which appears in p. 271. There the Sultan says:—

“I propose that the special privileges concerning spiritual matters which my ancestors have granted to the clergy of the Greek religion, my faithful subjects—that the immunities and privileges granted to its churches” (additional) “with the lands and real property dependent thereon—and that the immunities and rights which peculiarly appertain to the Greek clergy—shall be for ever maintained.”

And again, in the protest against the occupation of the Principalities, the Porte “does not hesitate to give sufficient assurances respecting the rights, spiritual privileges, and other immunities attaching to the Greek churches.” I conceive, therefore, that Lord Stratford’s words are substantially correct, and that the difference was only one of form. Well, then the form was given up! In the elaborate language sometimes used in these despatches, all that was “bilateral and synallagmatic” in the form was given up, and an official note was substituted. It is true that in one place Lord Stratford says that the note would have the force of a treaty. But how could that be? If the force, why not the form? I must repeat that the stress was laid on the mere form, and that that form was given up. And, accordingly, on the note being submitted by them to the Porte, and their advice asked, our negotiators, rather like people unexpectedly taken at their word, refused to say anything. I must say this seems rather a poor-spirited and improper thing to do. I conceive that it was their duty throughout these transactions to have advised the Porte. But, in fact, though nominally they did not advise, it cannot be doubted that their opinion was well known at Constantinople. In the very despatch sending home the note, Lord Stratford says:—

“The Pasha declared his opinion that the altered form of the Russian demands left them as objectionable as ever, and I found that my colleagues agreed with me in adopting an opinion essentially identical with that of the Turkish Minister.”

Now it is true that this confinement of the question to the point of form was not resorted to by our Government at home as it

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was at Constantinople. The noble Earl (the Earl of Clarendon) always insisted much on the substance of the demand. That substance may be found most conveniently stated in the third of Prince Menchikoff’s papers, as follows:—

“No change shall be made as regards the rights, privileges, and immunities which have been enjoyed by, or are possessed *ab antiquo* by, the orthodox clergy, &c., in the dominions of the Porte, which is pleased to secure the same to them in perpetuity, on the strict basis of the *status quo* now existing.”

One objection was taken by the Secretary of State to a part of this clause, which hardly seems to have much weight—namely, founded on the words *ab antiquo*, as possibly admitting a number of indefinite and obsolete claims on the part of Russia, to the danger of the Turkish empire. Now this is answered in several parts of the Russian papers, but it was really superfluous to do so, for the clause itself says that what is claimed is the *status quo* now existing. I desire, then, to know what is the objection to the substance of this demand? I do not mean to say its effect on the actual state of things—the actual condition of the people in the Turkish empire. If that were the question, there is much curious evidence upon it that may be inferred from the despatches of that able negotiator, Sir Hamilton Seymour. It will be found that in several places, when pressed by Count Nesselrode to say what would be the harm of this—what would be the real change—he evades, in a remarkable way, giving any argument in reply. He says:—“After a little discussion on this, we passed on;” or, “I said it was of no use to advert to that; that the mind of my Government was made up upon it, and there was nothing more to be said.” But there is one much more significant passage. In a report (p. 242) of a conversation which he had with Count Nesselrode, Sir H. Seymour says he observed—“this was a question of granting to the Emperor a right of protection over 10,000,000 of Greeks, which would make them all look up to a foreign sovereign, and not to their own master.” “Have they looked,” Count Nesselrode replied, “for the last 100 years in any other direction?” Sir H. Seymour, of course, denies this in a general sort of way, but he does not controvert it; and his concluding sentence seems to me still more significant. He says:—

“It may, indeed, be argued that this influence is already possessed by Russia, and that, although



the right to interfere generally on behalf of the Greek subjects of the Porte is not yet secured to her, the practice of so interfering has long prevailed. All this may be true."

And then he adds words which, I must say, coming from so clear a writer as Sir H. Seymour, seem to me, from their feebleness and indistinctness, to furnish strong proof that he himself felt very little force in what he was saying. He says:—

"All this may be true, but it is no less certain that a long-cherished object is seen to have been sought by a tortuous path, and that if words be not intended to disguise intentions, Her Majesty's Government have good right to look with suspicion upon their demands."

But what I am to look at is the condition of the existing treaties. I desire to know in what respect this demand departs from the substance of the treaty of Kainardji? No doubt the noble Marquess (the Marquess of Clanricarde) and others have put their finger on these very treaties, and have said, "The mischief lies here, and these treaties must be reconstructed." That may be or may not; I am not concerned to argue it. Very likely it is so, and that reconstruction may be an incidental advantage of the present war; but of course there was no such question as that in the negotiation, and the argument tells the other way. No one can doubt that, if Russia could have established that her demands did not vary from the treaties, her case would have been made out. Well, the words in the treaty of Kainardji are no doubt very few, very simple, very general:—"The Porte promises to protect the Christian religion and its churches." And the only argument in these papers against the Russian allegation that its present demand, though more explicit and detailed, is substantially identical with the terms of the treaty is—first, that the treaty is general, while the demand is precise; and, secondly, that whereas the treaty mentions the Christian religion, the demand relates to the Greek Church. But the more general words are, the more space they may cover in a question; and, with regard to the first and to the second point, with every desire to find a satisfactory answer, and, though it is what one does not like to do—at such a moment it may sound unnational—to adopt the enemy's words, I cannot resist the force of a few sentences, which I will read, of Count Nesselrode, in a sort of semi-official letter which he wrote to Sir H. Seymour (p. 328):—

As regards the treaty of Kainardji, it is very true that, if taken literally, the rights and privileges of the Greek religion are not mentioned therein in express terms; but protection granted to religion and its churches clearly implies, in the estimation of every sensible and honest man, that of the rights and privileges of the said churches. From the moment that the Sultan pledged himself to us to protect them, he by that very act conferred upon us the right of watching over the manner in which he fulfilled that engagement. And, as regards the term 'Christian religion,' employed in the article of the treaty, we will not do the English Cabinet the injustice to suppose that it is desirous of quibbling (*subtiliser*) on that term. It is very evident that, in stipulating for religion and churches in Turkey, the Catholic rite being already placed there under another protection than our own, there could only be a question of the religion and the churches to which we and the subjects of the Sultan our co-religionists belong."

I, therefore, cannot resist the conclusion, that the Porte ought to have been advised to accept this ultimatum; and that, if so, the war would have been averted or postponed. Perhaps, indeed, that is not denied. The noble Earl (the Earl of Derby) seemed to think it enough to say that it would only have been so for a time. I reply, that a mere postponement of a war is a clear gain and a great advantage. It is so even in the nation implicated, unless it can be shown that, after postponement, it would enter on the war at an increased disadvantage. And how can that be maintained of Turkey? Is it not the fact that, since the last war, or the last danger of war, that empire has greatly increased in military power and ability? Are we not loudly told by the friends of Turkey, that that improvement is rapidly going on? And still more, might it not have been hoped, though I at least could not confidently expect it, that had peace been preserved, Turkey might have well spent the years that are coming in the conciliation and consolidation of the affections of her own people, especially of her Christian population? I must say, notwithstanding what has been said by my noble Friend (Lord Beaumont), that some credit must be given to what we see in these blue books; and that nothing can be more eminently unsatisfactory than the reports there furnished by Lord Stratford of the state of that Christian population. And I should conjecture that, if at this moment there is one subject which more than another weighs upon the minds of Her Majesty's Ministers, it is the accounts which reach us day by day of the Greek insurrection in the Turkish provinces. Moreover,

the question whether war was or was not, sooner or later, inevitable, does not make insignificant the question, whether it was just in its origin at the time it was entered upon. I am one of those who consider that the war of 1793 was not, at the time and on the grounds on which we engaged in it, a justifiable one. I have no idea that it could have been long deferred ; but still the question, whether it was then a right one, has always been held an important one in history. Having ventured to express these opinions, I am anxious to add some words, to some extent, in qualification of them. First, it would be very presumptuous and unbecoming in me to cast any strong or sweeping censure either on the Government, or on the able man who has conducted these negotiations at Constantinople. I cannot, indeed, resist the opinion, that at an important moment errors of judgment were committed, but no one can feel more strongly that both here and there they were actuated by the most sincere love of justice and the most anxious desire of peace. My noble Friend (the Earl of Aberdeen) has often told us that he feels, as every man ought to feel, the acutest pain at the thought of this country being involved in war from any cause whatever. I also wish distinctly to avow, that these opinions have no practical bearing on the present or immediate future conduct of this country. Not only now, but for many months past, I believe that war has been inevitable ; and an inevitable war is a just war. For many months past, I conceive that Russia, almost by her every step, has been putting herself more and more in the wrong, and so has altered the whole aspect of the question. Still more, after the approval, the support, the encouragement, the promises which we have given to Turkey, it would be impossible to desert her now in her hour of extreme peril and need. Parliament, indeed, is not responsible for this war. By the necessities of our foreign system—almost entirely even while Parliament is sitting, quite so when it is not—the responsibility of a war lies upon the executive Government. But Parliament is responsible for the execution of the promises of the Government, and, therefore, would be so for so flagrant a breach of faith as the desertion of Turkey now would be. War, therefore, must be ; and must be carried on in the most humane, that is, the most vigorous manner. And, no doubt, it is well in many, perhaps in most, points of view, that in such a war we should have

*Lord Lyttelton*

the strong popular feeling which now exists on our side. But I hope that no one is relying too much on the continuance of that popular feeling. No one can tell me of any war that was not popular at its outset with the people of this country, and the more so now because it is so entire a novelty to the present generation. No wonder, then, magnificent preparations for war delight them. But that same novelty and inexperience will very soon have a powerful opposite effect, when the people begin to feel the burdens of war, of which they now know nothing. I believe, and sincerely hope, that the Government intend to make the country pay for this war year by year, without running into debt. That is the only right way ; but its effect on the popular feeling may easily be anticipated. But, as to the people's approval of this war, what do the bulk of the people know about the origin of this war ? What can they know about it ? What they know and see is, that there is a big fellow bullying a little one, and that the little one is making a brave fight of it—and they are all for the little one. And that is very good and right ; but it has nothing to do with the question of the justice of the origin of this war. I can only hope that the result may be a peace more stable and durable than we have lately had—the production of some good that may more than counter-balance the certain interruption of good, and creation of evil, that any war whatever must occasion.

THE MARQUESS OF CLANRICARDE said, he would not trespass long upon their Lordships' time, but he rose to express the satisfaction with which he had listened to the able and eloquent speech of the noble Earl the Secretary for Foreign Affairs, because, whatever might be their Lordships' opinions with regard to the origin of the dispute and the manner in which the negotiations had been conducted, they were all agreed with the noble Lord (Lord Lyttelton), that the prosecution of the war in a vigorous manner was the best, the safest, and the most humane policy. The speech of the noble Earl held out hopes to the country that Her Majesty's Government were fully alive to that consideration, and were amply doing their duty. But he (the Marquess of Clanricarde) wished to call the attention of their Lordships to the fact, that there never before had been an occasion when the country sent out an armed expedition and organised great fleets without a communication upon the subject, or the ob-

ject, being made direct from the Crown to the two Houses of Parliament. And such a message from the Crown might have been made on the present occasion, and yet need not have communicated one quarter as much in the way of revealing in a direct form the plans of the Government as was contained in the speech of his noble Friend (the Earl of Clarendon). The noble Earl had referred to the authority of Mr. Pitt as a precedent. He (the Marquess of Clanricarde) would also refer to the authority of Mr. Pitt, and of those who were his contemporaries; and he found that when Mr. Pitt went to war, and when Mr. Addington, his successor, went to war, they came down to the Houses of Parliament and not only made a communication, but moved an Address, by which the sense of Parliament was expressed on the expediency of the war. The Address moved in the year 1803 might be adopted almost verbatim at the present crisis, merely changing the word "France" to "Russia;" it expressed a determination to resist the spirit of encroachment, of ambition and aggression, which then actuated the Government of France. He was highly gratified at the result of the present debate, on account of the speech it had drawn forth from the Treasury bench; though, undoubtedly, it would have been still more gratifying if they had had that speech from the noble Earl the First Lord of the Treasury—because it was impossible not to have noticed the discrepancy of tone which had been evident in the speeches of different members of the Government at different times on this important subject. Having said this much, he would not go back to the blue books, or again repeat his opinion further than to declare that nothing had been advanced in these discussions which proved that this war might not have been avoided. A new question had now sprung up of a very embarrassing nature, which reminded him of the manner in which the pretensions of Russia were checked on former occasions by the firm and decided attitude that had been then taken; he alluded to the claims of Russia upon Turkey in reference to political refugees. This had been a question in the Cabinet of Russia for many years, and he remembered that, in a debate which took place in their Lordships' House in 1850, the noble Earl now the First Lord of the Treasury sneered at the appearance of the British fleet at that time in the Levant, in consequence of this very ques-

tion of the political refugees having been mooted by Russia. The agents of Russia knew well that the great Western Powers, France and England, would not stand idly by and permit the encroachment upon the independence of the Sultan, which, in respect of that very point, Russia was attempting to make. True, our naval forces did not then arrive in Turkish waters until after that question was settled; but that was a case almost exactly similar to the present, and there would have been no occasion for a ship of war to approach the Turkish coast now if it had been clearly understood from the outset that, now as then, the Governments of France and England were prepared to act in concert to resist the aggressions of Russia. He would repeat that he had heard with pleasure the speech of his noble Friend (the Earl of Clarendon) that night, because he hoped it would do much to counteract the bad effects which it was impossible to conceal from themselves had been produced in the East by the extraordinary position in which the combined fleets were placed. We read that the fleets were in the Bosphorus. But why? Because they were waiting for an explanation of their instructions. He (the Marquess of Clanricarde) had no right to ask what those instructions had been, or what they were to be. But he held that it was a most unfortunate thing that the Admirals should have been instructed to put forth a threat which they could not fulfil, and which turned out to be a mere idle boastful menace. Captain Drummond was sent in the frigate *Retribution* to Sebastopol, and well had he executed his commission. Would that courage and determination similar to that of Captain Drummond had been exhibited in the counsels of the allies of the Sultan a year ago. Captain Drummond was sent to Sebastopol to intimate that the combined fleets would not allow the Russian fleet any longer to assail the Turkish coasts or interfere with Turkish vessels in the Black Sea. Had we carried that threat into execution? He might be told that professional reasons had prevented its being done. No doubt they had; but it was a most unfortunate thing, indeed, that we should have held out that threat, and that the nations of the East, susceptible as they were known to be, should see our fleet retire, and the Russian ships come out from Sebastopol, and, at no great distance from the fleet, bombard the fort of Shefkatil, on the eastern coast of the Black Sea. He

hoped, therefore, that the speech of his noble Friend the Foreign Secretary would go forth to the East without delay, for every minute lost was of the greatest importance there. He believed that prompt action on the part of the combined squadrons would be worth more than an army of 20,000 men on the shores of the Caucasus for if once the fleet showed that England and France were really opposed to the pretensions of Russia, the whole population of that and the adjacent countries would join the standard of the Sultan. He would appeal to the noble Lord (Lord Beaumont) not to press his Resolutions to a division, on the ground that such a proceeding would be unusual and unwise after the satisfactory declarations of his noble Friend the Foreign Secretary.

EARL GRANVILLE said, that no apology was necessary on the part of the noble Lord (Lord Beaumont) for having again brought forward the present question; for his noble Friend the Secretary of State for Foreign Affairs (the Earl of Clarendon) had a few nights ago expressed a strong wish, on the part of Her Majesty's Government, that the discussion upon this subject should be of the most ample kind; and he thought his noble Friend had had that wish granted, and that, by the granting of that wish, it was shown that the more the blue books had been "pottered over" and the question discussed, either in that or the other House of Parliament, the stronger and the more general had the opinion become of the wisdom, and sagacity, and ability with which his noble Friend had conducted these most difficult negotiations. The question had resolved itself into two accusations against the Government—the first, made with singular ability by a noble Earl (Lord Grey) was, that they had been too inclined to go to war, and that the reasons they had adopted for going to war were not good reasons. He need not argue now whether this opinion was well or ill founded, for the utterance of this opinion had not met with any response either in the country or in their Lordships' House. As to the other charge, it was satisfactory to know that it was the very identical charge which every Opposition in almost every country in Europe concerned in this great question had made on their Governments—namely, that they had shown weakness and vacillation. Every post confirmed the unpopularity of Count Nesselrode for the course he had pursued towards England and

*The Marquess of Clanricarde*

France. In Turkey, the population of the capital actually broke into open insurrection, from discontent with their Government not taking a sufficiently energetic tone. The same accusations were made against the Government of France as against that of England; that Government being accused of being dragged in the wake of England for a cause which did not interest France; while in this country it was said that our only acts of vigour were the consequence of the spirited action of the French; so that they had the Oppositions bringing against two Governments, which, he believed, had in an unexampled manner acted together in perfect confidence for a disinterested object, the same accusations—accusations so incompatible that they could be mathematically shown to be impossible. The noble Marquess (the Marquess of Clanricarde) had stated his case as if the Government were going to war without making any communication to Parliament upon the subject. But that was not the fact, and he held that it was a matter entirely for Government to decide when it was proper to make a declaration of war.

THE MARQUESS OF CLANRICARDE had said nothing about a declaration of war. He had spoken merely of the expedition which had just been sent out.

EARL GRANVILLE was not aware that it was customary for communications to be made to Parliament every time that troops were sent to the colonies, and the troops which had recently embarked had gone to Malta. As to the reflections which had to-night been made upon the combined squadrons employed in the Bosphorus, he was sure the noble Marquess would, upon consideration, perceive that he was not justified in the statement he had put forth. There had been no squabble respecting the Admirals refusing to do a service they were called upon to perform. No want of spirit had been displayed on their part. They were perfectly prepared to do what they were required to do; but, influenced by nautical considerations (and all professional authorities in the country agreed with them), they thought it better to take possession of the Black Sea, by moving war steamers from place to place, than by exposing the men-of-war to be knocked about, or keeping them in the very position where, to use the expression of one of the gallant officers employed, Russia most wished them to be for the next two or three months. With regard to the Motion before the House, he (Earl Granville) did not know what was



meant by it. It was either a vote of want of confidence (and after the declarations that had been made by his noble Friend the Foreign Secretary the House would unanimously reject it), or else it was a vote of confidence; but the Government did not want a vote of confidence. He considered the course pursued to be very remarkable. If a vote of want of confidence had been carried, or nearly carried, against the Government, the necessity for such a Motion as the present might, perhaps, have then arisen; but the contrary was the case, for it was a most remarkable fact, that in neither House of Parliament had the slightest attempt been made to convey a real censure on the Government. And even if the noble Lord had meant it in a favourable sense, and the Government had accepted it, he was sure the effect would be bad, not only in this country, but throughout all Europe. There was one other point to which he wished to advert. His noble Friend who had introduced the discussion had talked of a discrepancy between the language which had been held by members of the Government in that House, who had strongly expressed their opinions as to the desirability of peace and the horrors of war, and the language which had been held by other members of the Government in the other House, who had made a patriotic appeal to the country to carry on hostilities in the spirit which became Englishmen. He (Earl Granville) as a very humble member of the Government, protested against such being the case. Even at the present time he felt no enthusiasm at the approach of war. He had remarked that the noble Marquess himself had carefully guarded himself against the possibility of its being supposed that he was anxious for hostilities, although his noble Friend, with whom the discussion had originated, had hardly spoken in so temperate a tone. But he (Earl Granville) believed that there was not one Member of that House who would not be prepared to express his conviction that war was a frightful calamity, that it was pregnant with evil and destructive of much good; but was it to be asserted on that account that the war, when once it was undertaken, ought not to be carried on with becoming vigour and energy. His noble Friend had quoted from a despatch of Count Pozzo di Borgo. He also (Earl Granville) had read that paper, and, speaking from memory, it seemed to him that that despatch only served to prove the wisdom of the course

which had been pursued by Her Majesty's Government. But he remembered another despatch written by Count Pozzo di Borgo six months later, and to which he would for a moment direct their Lordships' attention. In that latter document the writer stated his reasons why England could not, in his opinion, go to war on the Eastern question. He said that England could never succeed in combining with her the other European Powers—that her internal state was such as would prevent her from going to war—that her commerce was in a most desperate condition—that a Roman Catholic insurrection was on the point of breaking out in Ireland—that the revenue of this country was diminishing from year to year—that we were suffering from a scarcity of food—that the people were clamorous for a repeal of the corn laws, which the aristocracy would not grant. Now these statements were, to a great extent, true in the year 1826, when they were made. But what was the state of England at present? In consequence of the legislative measures which had been passed of late years, and which had been supported by every member of Her Majesty's Government, and which were approved of by the noble Marquess (the Marquess of Clanricarde), though not, he believed, by the noble Lord the Mover of the Resolutions (Lord Beaumont), the greatest prosperity, both as regards trade and commerce, was enjoyed by this country. Her commerce and her manufactures were flourishing; her revenue, instead of declining from quarter to quarter, was increasing from quarter to quarter, and the increase in the last quarter had amounted to 3,000,000*l.*; and instead of the people of Ireland being in a state of insurrection, the most gratifying accounts were received of their hurrying to the British standard in a manner most creditable to that brave nation. He agreed with the noble Lord near him (Lord Lyttelton) that for the sake of a permanent peace, and of a satisfactory settlement, not only of this, but of other questions, it was necessary that the whole force of this country should be put forward the moment it engaged in war. He hoped that policy would be pursued, and he, for one, could not have the slightest doubt of its success. There had been idle discussions carried on for the purpose of deciding whether the progress of science, as applied to war of late years, had been as great as the progress of science in the arts of peace. Whatever might be the judgment at which people might arrive

upon that point, it was quite clear that nearly all those modern inventions which had been so useful in peace could be applied to the purposes of war; and he could not believe that this country, which possessed within itself so vast a quantity of the raw material which supplied the moving power of steam, which was almost unknown in the rest of Europe, and which had been so extensively employed in our navigation, in our inland locomotion, and in every species of machinery—he could not believe that this country could fail in the most effective and formidable application of modern scientific discoveries to the operations of war. He felt persuaded that the freedom of our commerce, and the great extension of our trade, in recent times had not unnerved the people of the United Kingdom. He believed, on the contrary, that the expansion of our commercial enterprise, and that perfect freedom of thought and action which we enjoyed, would indefinitely extend our material resources. All that Her Majesty's Government asked at present from their Lordships was, a continuance of that confidence which had been placed in them on a preceding evening. They felt that they had undertaken a great responsibility; but it was a responsibility from which they would not retreat. He thought he could answer for the noble Earl at the head of the Government, that supported as he would be by his colleagues, he would do his duty, while he took as his guiding rule of conduct that principle which has been laid down as the only proper basis of English policy by the illustrious Canning and by Sir James Macintosh—the principle of respect for the faith of treaties—respect for the independence of nations—respect for that territorial arrangement of Europe which was known as the balance of power—and though last, not least, respect for the honour and interest of England.

THE MARQUESS OF CLANRICARDE explained that he did not mean to cast the slightest imputation on the gallant officers commanding the fleets in the Black Sea; he had merely said they were detained in the Bosphorus for explanation of their instructions. He knew, if they were told to go out and fight the Russians, they would make short work of them.

EARL GRANVILLE would not argue the point. The Queen's Speech had informed the House that warlike preparations were being made, the present destination of the troops was known, and when the

*Earl Granville*

proper time arrived further information would be given.

EARL FITZWILLIAM said, he believed that was the first time in the history of this country in which some communication had not been made to Parliament by the Ministry of such portentous proceedings as those in which Her Majesty's present Government had become engaged. He would, however, assure his noble Friend that he was not one who blamed the Government for their endeavours to procure peace, but rather because their endeavours to obtain it had, judging from the result, been unsuccessful and misdirected. He could not help thinking that if they had pursued a more vigorous policy at the commencement of these proceedings a different result might have been arrived at. Without entering into any examination of the blue books, he would remind their Lordships that some sort of insinuation had been now and then thrown out, either in that or the other House of Parliament, that at the commencement, when the Russian Ambassador appeared at Constantinople, there was not quite a sufficient degree of prudence exercised by the gentleman who filled the office of *Chargé d'Affaires* of this country at Constantinople. Prince Menchikoff arrived at Constantinople about the 7th of March. In consequence of his arrival, and, at the instance of the Grand Vizier, Colonel Rose sent to the fleets to go to Vourla Bay. The result of that being known at the Russian Legation produced a total change in the character and conduct of Prince Menchikoff, who before that had behaved in a most insulting manner to the Porte; but the change on the part of the Russian Legation was so marked as to produce an impression upon some of the Ministers of the Sultan that it was not their intention to act in any other than a friendly manner. What happened, however, when it became known that the order to the fleet had been countermanded? Then came back the insulting tone, the menace, and the frown. The charge to which he thought the Government was obnoxious was, that they had failed in energy, not at the termination, but at the commencement of the negotiations. With respect to the particular Motion before the House, he confessed that he entertained, to a certain degree, the objection which had been offered to it by the noble Lord the Secretary of State for Foreign Affairs, and upon that account he proposed to move an Amendment to the latter part of the Resolution. He agreed

with the Government that it would not be expedient to point in detail to the particulars at which they might think it desirable to arrive; but he did not admit that they should conceal from Parliament what were the objects which they proposed to themselves in allowing the country to be drawn into a war. He wanted to know what we were going to war for, and he wished to warn the Government against their suffering to be infused into the minds of foreign nations suspicions of what the objects of England were. He was far more afraid of the wiles of Russia than of her power; and he wished it to be stated as the opinion of one individual member of their Lordships' House what the object ought to be for which we were going to war. The common law of Europe declared that no State should be allowed to encroach upon the territories of a neighbour. It was that common law which protected the weak from the strong; it was that common law which had been invaded by the Emperor of Russia, and it was that invasion of the common law of Europe which he thought it desirable that that House should mark with its reprobation. When they were about to engage in war, they should declare what was the cause which justified that war, and he should propose to substitute for the end of the Resolution words in which it would be impossible to suggest even the trace of any selfish motive upon the part of England. The Amendment which he proposed was as follows:—

"That it is, therefore, the opinion of the House that the time has arrived when immediate and effectual steps ought to be taken to vindicate the public law of Europe by repelling the unprovoked aggression of Russia upon the territory of the Sultan, and to obtain a durable and secure peace."

The duty of England was a great one. He hoped that, single-handed, England could contend with all the nations of the earth. Her Navy ought to be able to cope with all the navies of the world, and, combined with France, she ought to be able to crush them all. But, when he saw that the other Powers were combined with England, and were acting with her with a cordiality which, perhaps, was not to have been expected, he could entertain no doubt about the conclusion of the war. It must be conducted, however, upon a great scale; they must make no little war; they must task the energies of this country to the utmost. It was the duty of the Government to make the people understand what was the character and what might be

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the duration of the war, and to teach them that they must not repine at the sacrifice of pleasure or of life, but that the greater the early sacrifice, the more sure would be the speedy and successful termination to the war.

LORD BEAUMONT, in reply, said, that the noble Earl the Secretary of State for Foreign Affairs had, on this occasion, made a speech of quite an unusual character. Presuming him to speak the sentiments of the Cabinet, he (Lord Beaumont) had obtained from that Cabinet an assurance equivalent entirely to that which was proposed to be obtained by the Motion; for if he understood the noble Earl at all, he agreed that effectual means must be taken to repel the aggression of Russia—that the power of this country should be exerted to place the relations of the Sublime Porte and the rest of Europe on a foundation calculated to secure a durable peace. The noble Earl stated more. He stated that affairs were really advancing to that end, and that an agreement was now being entered into with the Porte and France which had for its object the supporting of the dignity and integrity of the Ottoman empire. He could not in such circumstances press his Motion, and he, therefore, begged leave to withdraw it.

EARL FITZWILLIAM objected to the withdrawal of the Motion, as he wished his Amendment to be put.

THE EARL OF ELLENBOROUGH said, the Motion could not be withdrawn, if any one of their Lordships objected to the withdrawal.

After a short discussion,

EARL FITZWILLIAM said, he would not press his Amendment.

Motion, by leave of the House, *withdrawn*.

House adjourned to *Monday* next.

## HOUSE OF COMMONS,

*Friday, February 24, 1854.*

MINUTES ] PUBLIC BILLS.—1° Bribery, &c.; Controverted Elections, &c.; Colonial Clergy Disabilities.

2° Towns Improvement (Ireland); Improvement of Towns (Ireland).

## COPPER COINAGE FOR THE COLONIES.

MR. THORNELY said, the hon. Secretary to the Treasury having stated on a previous evening that a contract had been

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entered into with a house in Birmingham for the supply of coin for this country and Ireland, he (Mr. Thornely) wished to ask the hon. Secretary whether the Government had taken into consideration the necessity of supplying copper coin to the Colonies, and especially to the colony of Australia? He (Mr. Thornely) had that morning received information that so great was the scarcity of copper coin in Australia, and so little experienced were the people in preparing a supply of it, that they had to obtain supplies from the continent of Europe and from America. He wished to ask whether the Government had taken any measures to supply the Colonies of this country, and especially the colony of Australia, with copper coin?

Mr. WILSON said, the contract to which the hon. Member alluded was entered into, not only for the purpose of meeting the requirements of Ireland, Scotland, and this country, but also of our Colonies, and more particularly North America and Australia. Of the 500 tons of copper coin only 19,000*l.* had as yet been issued; but he had the pleasure to state that the daily delivery now amounted to 80,000 pieces, so that, the wants of Ireland having been relieved, he had no doubt that the Master of the Mint being aware of the pressure in Australia, to which the hon. Member had so properly called the attention of the House, would take measures to see it speedily relieved.

#### SEIZURE OF GUNPOWDER.

Mr. OTWAY said, he wished to call the attention of the hon. Secretary to the Treasury to the following paragraph which appeared in that day's *Times* :—

“ The public will rejoice to hear that, under the operation of the order which recently appeared, a quantity of gunpowder, intended for exportation and for delivery to the enemies of England, has been seized. Two large operations of this kind have been happily disconcerted, and it is hoped that many others will meet with the same fate. This result has been obtained by an anonymous communication made to the authorities, and, although we are no friends to anonymous communications in most instances, still, when the lives of our gallant soldiers and sailors are at stake, we cannot afford to be over sensitive.”

He wished to know whether there would be any objection to state to the House the names of those traders whose gunpowder and munitions of war had been seized under the recent proclamation?

Mr. J. WILSON said, in answer to the  
*Mr. Thornely*

question, he must inform the hon. Gentleman that that was a matter which came entirely under the supervision of the Treasury; and he had to state to the House all that he knew of the steps which they had taken to carry out the present Order in Council. The fact was, that the day after the proclamation appeared the authorities at the Treasury had an intimation from certain persons that led them to suppose that a large quantity of gunpowder was about to be shipped to Syria, for the use of the Greek insurgents, and that a portion of it was intended for employment by Russia. The gunpowder was stopped, as well as other munitions which had also been prepared for the same market. He should not feel justified in stating the names of the persons who had been engaged in these transactions, because it did not at all follow that the persons who were engaged in shipping the gunpowder for Syria were informed of the quarter for which it was destined; and as the Treasury proceeded on information which was in a great measure confidential, he did not think he should be justified in stating more than the general circumstance. The authorities at the Treasury were quite aware of the great difficulty with which they were surrounded in attempting to stop this illicit trade. The means to which they had resorted, and which might prove of some importance, was, that they had caused an account to be made out of the quantity of gunpowder that each market had been usually supplied with, monthly, for the last two or three years; and whenever they now found that an unusual supply was about to be shipped to any country, they should probably feel themselves justified, unless the circumstance was fully and satisfactorily explained, in stopping the shipment of such unusual quantity. Of course, the authorities at the Treasury were very much in the hands of the public. They had received very considerable assistance by confidential communications made to the several departments, and they should be much obliged to any person who would aid them in carrying out the object they had in view.

#### TRANSPORT OF CAVALRY HORSES.

GENERAL WYNDHAM said, he wished to ask the First Lord of the Admiralty or the right hon. Gentleman the Secretary at War, why the horses of the cavalry and horse artillery are to be embarked in sail-



ing transports, at the risk of a protracted sea voyage, and whether any good and substantial reasons exist to prevent their accommodation on board of steam-vessels?

SIR JAMES GRAHAM: Sir, in answer to the question put by my hon. and gallant Friend, I shall be most happy to state, as shortly as I can, the reasons which decided the Government to employ sailing ships instead of steam-vessels for the conveyance of horses on this occasion. I am sure the experience of my hon. and gallant Friend will lead him to the conclusion that the course adopted by Her Majesty's Government is right. All the experience that we have hitherto had in removing forces by steam has been for short distances; and for short distances the horses may safely remain on deck without any danger. But on embarking for a distant part of the Levant, I think my hon. and gallant Friend will come to the same conclusion that I have—that it would be extremely detrimental, if not dangerous, to the horses if they should remain on deck during so long a voyage. If it were considered requisite to put them under hatches, it would be absolutely necessary to consider the immense amount of tonnage that would be required. You would require a space equal to ten tons; and I think, when the House considers the vast space occupied in the hull of each steam ship by the machinery, the quantity of coal which it would be necessary to carry for so long a voyage, and the quantity of water and of provender for each horse, the difficulty of the operation will be seen to be insuperable. For the conveyance of the troops, amounting to about 11,000, I think fourteen steamers will be provided; and the entire force will be removed in this way from hence to Malta in the course of the next fortnight. The consumption of coal for such an operation will be no less than 6,000 tons; and if, for 1,500 horses, you are to provide 15,000 tons of steam transport—each horse requiring, as I have said, ten tons—it would be necessary that we should have a collier in attendance on each steamer. Besides the tonnage for the provender of the horses, you would have to supply an extra tonnage for coals. I do speak of the expense, which would be enormous. My right hon. Friend at the head of the War Department has given the most careful attention to the subject which he could bestow; we were most desirous that the horses, as well as the infantry, should be conveyed by steamers;

but, after having considered the subject, we came to the conclusion that the difficulties were so great that it would not be wise to incur them; and I think my hon. and gallant Friend will consider that that was the wisest decision we could come to.

#### SOLDIERS' WIVES AND CHILDREN.

MR. MACARTNEY said, he begged to ask the right hon. Secretary at War, whether it is intended to provide temporary accommodation and support for the wives and children of soldiers now proceeding to the seat of war, who have not been provided with a passage on board the transports; and, in case of their being unable to support themselves and families during the absence of their husbands, whether there is no other mode of proceeding than by being passed to their several parishes and becoming inmates of the work-house?

MR. SIDNEY HERBERT: Sir, my attention has been called to this subject by several Gentlemen; and I should, in the first place, wish the House to understand the system upon which the removal of troops is usually conducted, and the arrangements that are made with regard to the wives of soldiers. Usually, when a regiment is ordered on foreign service, six women are allowed to go for every 100 men. Of course, this being the usual case, there would be no greater amount of separation between soldiers and their wives than is usual when a regiment goes, in ordinary times, to any of our Colonies. But it was thought necessary, as those troops were going on foreign service, to diminish to some extent the proportion of women and children who should accompany them. I believe that arrangement is a humane one, from what I understand from officers who have had great experience in foreign service; for when I asked one of them how the wives and children of soldiers on foreign service were provided for, he said the women usually followed the regiments on foot, and were occasionally given "a lift" on the carts or baggage waggons; but with respect to the children, he used this remarkable expression—"Before long they disappeared,"—meaning, without doubt, that the hardships to which they are exposed are such, that the children die. It clearly, therefore, is not a humane proceeding to encourage the number of children to be taken out with troops going on foreign service. Under these circumstances the Horse Guards decided that,

instead of sending six women out for each 100 men, four only should be allowed to go. The difference, therefore, between the four and the six—that is, the two women that otherwise would have gone as a matter of course—are placed in a position of considerable hardship. I have written to the depôts of all the regiments that are going abroad to inquire into the circumstances of each particular case, to know what is the best course to adopt with respect to them. At present, under the existing regulations, the wives of soldiers who do not accompany their husbands will be removed to their own homes at the public expense, where they will be taken care of by any friends they may have; or, in case they have no friends or relations, they will have recourse to parochial relief. But I would just make this observation, that if you encourage—by giving permanent provision to the wives of soldiers going abroad—the habit of marriage in the Army, you increase the evil to which you wish to put an end. I think, under these circumstances, the Government would not be justified in making any arrangement to give provision from the public purse to the wives of soldiers who are sent abroad. You will recollect that the non-permission to soldiers to marry above a certain proportion was a great hardship when soldiers were enlisted for life; but it is exceedingly diminished in cases where a man of only eighteen or nineteen enlists for the short term of ten years. I have, however, taken measures to ascertain what are the circumstances of the women that have been left behind. Those who under ordinary circumstances would naturally remain behind will be sent home in the usual manner to their friends, unless they have work or occupation in the places where they are located. With regard to those who had been originally intended to go abroad with their husbands, but who are now to remain behind in consequence of the new regulation, I think their cases are special; and I have for the present ordered that half-rations shall be supplied to them; and, in the meantime, I shall inquire into the circumstances, and deal with them in the best manner that I can.

COLONEL KNOX said, he would offer as a suggestion, that the barracks at St. John's Wood, now emptied by the troops lately quartered there going abroad, might be made a place of temporary accommodation for the wives and children of the soldiers ordered on foreign service.

*Mr. S. Herbert*

#### REMOVAL OF IRISH PAUPERS.

On the question that the House go into Committee of Supply,

MR. MAGUIRE rose, and begged to claim the attention of the House for a short time on a matter which he conceived to be really worthy of attention. The object he had in placing his notice on the paper was to draw the attention of the House to the harsh and unjust operation of the law for the removal of Irish poor from this country to Ireland. He was also anxious to place before the House some instances which would prove that a sufficiently harsh and stringent provision of the existing law was overstepped and exceeded by the interest or the zeal of those who were entrusted with the administration of the law in this country. He was most anxious to claim the attention of the right hon. Gentleman the President of the Poor Law Board to the statement he was about to make, because his (Mr. Maguire's) object was to place such a statement before the House as might induce the right hon. Gentleman to consider the case of Ireland seriously, and induce him and his colleagues to consider the necessity, on the occasion of the second reading of his Bill—of which he (Mr. Maguire) begged to say he warmly approved—of making a statement to the House to effect that Ireland should not be excluded from the humane and salutary provisions of the Bill. The main object of that Bill was to give the poor man the right to relief in whatever parish he might find himself destitute at the time of asking for that relief. That he should have a right to that relief, and have no fear, as at present, that on applying for relief he will be removed to whatever locality he may be considered chargeable upon. He (Mr. Maguire) regretted the right hon. Gentleman the President of the Poor Law Board did not take more into his consideration, and state more strongly, the case of Ireland. But, in the first place, how stood the law in the case of the Irish poor? By the 8 & 9 Vict. c. 117, it was provided, that

—“If any person born in Ireland or Scotland, and not settled in England, became chargeable in England, by reason of relief given to him or her, or their children, such persons and such children were liable to be removed to their own country.”

But that law was altered by the 10 & 11 Vict. c. 33, wherein it was provided, that

—“Any relieving officer, poor-law guardian, or parish overseer, might take before any two jus-

tices, without warrant or summons, any person who became chargeable to the parish, or whom he believed was liable to be removed from this country."

Now see the operation of that. A poor man, who might have resided for twenty years in this country, and who had not established the necessary settlement, which would be a bar to his removal, would be liable, on obtaining parochial relief, to prompt removal as coming within the meshes of the law. He was removed; and though he might have spent all his life in this country, he was flung, notwithstanding, on the most convenient part of the Irish shore by the party who held the contract for his removal, with every prospect of being henceforth a helpless and destitute pauper. The law provided, that the poor to be removed were to be brought to the port nearest the locality of their birth. However, the ports of Wexford, Waterford, Cork, and Limerick, were the only ones named. Limerick, from its inconvenient situation, did not enjoy so many of the advantages resulting from that state of the law as the other ports; but even when landed at either of the other ports, it often happened that the unfortunate pauper was 100 or 150 miles from the locality of his birth, which distance he had to trudge with heart worn out by misery, and broken down by fatigue and privation. The moment the unfortunate pauper entered the workhouse of that distant locality, he left all hope behind him, and misery and despair might be said to be his portion for the remainder of his days. He could cite many instances of the hardships which the poor people of Ireland had suffered from this state of things. Some time since, in 1849, an inquiry was instituted by the Poor Law Commissioners, who sent an inspector to inquire into the case of a woman named Murray, whose husband had been a resident in this country thirty-nine years, and herself a resident twenty-one years, the last eight years of which she lived in the parish of St. Martin-in-the-Fields. The husband died, and left her with a child of about sixteen years of age, who was born in London. They got relief for about thirteen weeks, and were then shipped to Ireland against their will. Evidence in the case was taken upon oath, and he (Mr. Maguire) went to the establishment, a papier-maché warehouse near the Strand, where the husband had been employed, and found that he had been for fifteen years in the employment, and also that he was of unexceptionable character and conduct. The Cork Board

of Guardians were enduring at this very moment, not 100 but over 200, cases of a similar nature, cases that they were not legally bound to administer relief in, and all because they had no idea of entering into a contest in the matter with the Poor Law Commissioners. He (Mr. Maguire) could tell those who were just now seeking the means to uphold the honour of England, that this was the time for them to soothe the feelings of the Irish people, and to prove to them that they recognised their equality, as well as solicited them to share in the toils and the chances of the approaching conflict. But he had several other cases to give to the House. On the 21st September, a woman named Condon went before the Cork bench. She had been fourteen years a resident in the parish of Marylebone. Her husband, who had always previously maintained the family, found it difficult to obtain work. He left his family to seek employment. The poor woman applied for, and obtained, parochial relief. But she was quickly shipped to Cork; and one of the constables of that city found the unfortunate woman and her four children wandering about the streets of Cork at night, having neither food nor shelter beneath which to rest their wearied limbs. The next case was one that came before him (Mr. Maguire) when he filled the office of mayor of Cork. A woman, who had resided sixteen years in Westminster, was deserted by her husband. She was advised by her friends to seek parish relief, in order to render her husband legally responsible. She did so, and was immediately shipped to Cork. The poor woman was most anxious to get back to Westminster; and he (Mr. Maguire) asked her if she had ever applied for relief before, to which she replied, "She never did, as she always worked hard for a livelihood." Now that certainly was doing more than putting the law in force; it was outraging the law, harsh and stringent as that law was of itself. A third case was that of a poor girl only sixteen years old, who, having lost half-a-crown, with which her sister had sent her out, she became afraid to go home, and applied for relief. She obtained it, and was shipped to Cork on the 6th of February. Now, hon. Gentlemen from Ireland knew the inconvenience and discomfort of crossing the sea to Holyhead—a matter of five or six hours; yet here was this wretched girl put on the deck of a steamer, against her will, clothed in a very light dress, with no head-covering what-

ever. She implored to be permitted to go back to her sister, or to let her see her sister; but no, the officials knew their duty too well, and she was shipped to Cork, her sister being even ignorant of what had become of her. The next case was that of a woman who had been twenty years in England, and who was brought before the Cork bench on the 15th instant. She stated her husband had got out of employment for a short time, and she had been obliged to go into the workhouse to be confined. The workhouse authorities threatened to send her to Ireland. She supplicated them to leave her for a few days, at the end of which her husband, she said, would provide for her. But she, with her four children, all born in England, were sent to Ireland. The comment of the poor creature on the law was this :—

“ I have lived the last ten years in Lambeth ; all my children were born there ; and it is a cruel thing to send a wife and children away from their provider, as it may be the means of parting us for ever.”

The remark of the Cork magistrate was, “ If this woman were English, and twenty years amongst us, we would have no power whatever to send her away.” Now, he (Mr. Maguire) asserted it was unjust to have one law for a rich and powerful country, and another for a weak and poor one. The clerk of the poor-law guardians at Cork, writing to him the other day, informed him that an old woman born in Jersey, and who knew nothing about Ireland, was shipped to Cork, and was in the Cork workhouse at present, having strayed from Jersey into England. Then there was also a blind boy, who had been born in Jersey, and having strayed into Plymouth, was got rid of by the officials there, and was at present an inmate of the blind asylum at Cork. A woman named Ellen Connor, aged twenty-one, and eight years a resident in London, went into St. Luke's Hospital. After three months she applied for her discharge, which was refused, and she was shipped for Cork, to the total ignorance of her husband. Then again there was the case of a child seven years of age, born in London, but being of Irish extraction, she was shipped to that country, though she knew no person there, nor had she a single friend. There was also the case of Catherine Hogan, of Whitechapel, aged seventeen, born in London. Her father was also born in London, and died in America. She became ill and went to

*Mr. Maguire*

an hospital. After some time she applied for her discharge, was refused, was forcibly put into a van, and subsequently shipped for Ireland, because she was of Irish extraction. Bridget M'Carthy, who resided thirty-three years in London, and had four children born there ;—she was kept four days in St. Clement's, and then forcibly sent to Cork in May last. Mary Mahoney, six years in London, three children born here, was sent over from Westminster without the knowledge of her husband. But the worst case was that of a family of the name of Cotter, the father aged sixty, the mother fifty, with two children, one of ten and the other of five years. Cotter lived in England forty-six years, the nine last of which he spent in Liverpool. They all became afflicted with fever, applied for parochial relief, and obtained it. They were kept in the workhouse until barely recovered, and were then shipped over to become an additional burden on the rate-payers of Cork. Anne Harriss, a resident of St. Pancras for seven years, applied for relief, her husband having gone into the Middlesex Hospital with a broken leg. She obtained it, but was refused a discharge, and sent to Cork against her will and without the knowledge of her husband. The clerk of the Cork guardians assured him (Mr. Maguire) that did time permit he could easily have sent twenty additional cases. He also said :—

“ He did not know if Cork had been peculiarly unfortunate in receiving cases of this description, but he did know that the number of poor cast helpless and penniless on the quays of Cork was really frightful.”

Now, hon. Gentlemen might ask, “ Why don't the Commissioners of Poor Laws interfere ?” The answer was this : Many cases of the kind had been from time to time stated to the Poor Law Commissioners, but no benefit ever arose from any such complaints, and, consequently, the guardians had long ceased to make representations on the subject. But the matter was now being taken up indignantly. The magistrates solicited the press to record the cases ; and what, he begged to ask, did hon. Gentlemen think would be the result upon the sensitive and impulsive Irish people, whose assistance they were now anxious to secure in strengthening the power of their arms ? His object was to point out this crying grievance ; and it was the duty of the Government, if they intended to justify what they had stated, to grapple with the enormity of the evil im-

mediately. The right hon. Secretary at War spoke, a few minutes since, of the disappearance of children during a military campaign. He (Mr. Maguire) could assure him that children also disappeared from the hardships and exposure of the unsheltered deck to which they were consigned in the depth of winter by some bloated official, some hard-hearted wretch, such as tied up the bell of the Whitechapel Workhouse, and denied the means of ingress to an unfortunate woman in the pangs of childbirth. The right hon. the President of the Poor-Law Board, had stated, in reply to a deputation which waited upon him a day or two since, in reference to the new Bill:—

“What he desired was to put an end to compulsory removal, which was unjust and oppressive to the poor man. The effect of the law, as it now stood, and which it was his (Mr. Baines's) wish to remedy, was, that if a man, through unforeseen circumstances, fell into distress, for instance, either in Marylebone or St. Pancras, instead of receiving relief from either of those parishes, the authorities had the power to send the poor man, and, perhaps, a wife and family, into Northumberland, or any other distant part, merely because his father some years before had a settlement there. Just in like manner might a poor man be sent up from Cornwall to one of the metropolitan parishes. The Act was unjust, impolitic, and cruel, and one which the Legislature was bound to put an end to. The present law of removal did not affect vagrants, but was calculated to oppress the industrious classes, who might fall into misfortune. Again, there could be no doubt that at present the grossest frauds were practised in some parishes by unscrupulous officers to get rid of the poor when the five years' residence was about to expire.”

There could be no doubt whatever of the perfect accuracy of this description of the effects of the existing law. But if there were sufficient reasons for repealing the provisions of the existing law, which permitted an Englishman to be sent back to his own parish, there was ten times more justice and humanity in pressing for the repeal of a law which at this moment permitted bloated officials and unfeeling guardians in England to fling back upon his own country the poor used-up and unfortunate man who had been all his life toiling in the creation of wealth for this country. In many cases they might as well send these unfortunate people to the backwoods of Canada as to land them in the streets of Dublin, Belfast, or Cork. He had put forward the case of these unfortunate people now, in order that the right hon. Gentleman might have sufficient time to take that part of the case into his consideration. The law could not remain in its present state, because the feeling of the people of

Ireland was thoroughly aroused against it. He was grateful for the measure so far as it went, but he trusted the right hon. Gentleman would not consider the case of the helpless Irish poor unworthy of his consideration.

Mr. BAINES said, he regretted the hon. Gentleman should have supposed that he did not consider the question as one of great importance. He could assure the hon. Gentleman that he thought it of the utmost importance, and he was desirous that the House should have before it the fullest information in its power before it proceeded to legislate upon a question of so much magnitude and interest. On that account he was glad to find that an hon. Member had moved that all correspondence with the Poor Law Commissioners, both in reference to Scotland, England, and Ireland, should be laid upon the table before any legislative steps were taken. At present he felt that the House had not that information which would enable it to come to a satisfactory conclusion. He had already expressed his opinion that the law was in a most unsatisfactory state at present. In the case of Scotland and England there was now a power of removing all Irish paupers to Ireland, and the experience some years had given him of the working of the law satisfied him that it was a most injudicious arrangement, and entailed often very great hardship and injustice. At the same time, he could not help regretting that a subject like this should have been interposed by the hon. Member for Dungarvan at a time which was not well calculated to ensure it a fair amount of consideration from the House, and to which he admitted it was eminently entitled. The hon. Gentleman had brought the subject forward at a time when the House was anxious to go into Committee of Supply, and before it was in possession of sufficient information to enable it to form a satisfactory opinion upon the question. He must complain also that the hon. Gentleman had not given him any notice with regard to the nature of the statement he intended to make to the House, because if he had done so he (Mr. Baines) would have been able to meet him and state whether the information was accurate, or to show reasons for entertaining doubts of its entire accuracy. At all events, those unions and parishes to which he had referred had some reason to complain when they found the hon. Gentleman impugning the conduct of their officers



without giving them intimation that such charges were to be made. Under these circumstances, the House must perceive that the only fair course would be to allow the matter to remain as it was, until the correspondence moved for by the hon. Member for Londonderry (Mr. Bateson) should be laid on the table. If that correspondence should turn out not to be sufficient for the purpose in view, he should be willing to afford every facility for investigating further the operation of the existing law, and for putting the House in possession of such information as would enable them to decide whether, as he confessed was his own opinion, the law ought to be altered.

Lord CLAUD HAMILTON said, he must complain that the right hon. Gentleman, while laying down the proposed alterations in the law, had wholly omitted to notice the great injustice which was perpetrated towards the Irish paupers. The right hon. Gentleman's own statement that evening showed how well justified the hon. Member for Dungarvan (Mr. Maguire) was in taking the course he had. He had himself admitted that there ought to be a change. He was aware that official Gentlemen were usually reluctant to depart from the ordinary routine of the House, but he begged to remind them that independent Members had, according to the rules of that House, very few opportunities of bringing forward cases of grievance, and the hon. Gentleman had taken the first legitimate opportunity that presented itself. However impatient the House might be to hear the statement of the right hon. Gentleman upon the Estimates, he must say the discussion had not been without its advantage, and he was glad to hear the right hon. Gentleman (Mr. Baines) state that he intended turning his attention to these cases of hardship. He feared the correspondence to which he had referred would fall far short of supplying all the information that was required. Not one hundredth part of the cases of injustice in which the Unions found themselves fully justified in resisting the order sent them would be found in this correspondence. He could tell the right hon. Gentleman that one Union alone of the city of Dublin had been saddled with the expense of 539 paupers, who had been shipped from England during the preceding year, and he had no doubt there were many similar cases which called for serious investigation. He might instance the case

*Mr. Baines*

of one poor person, who, after an industrial residence of forty years in London, was, at the age of eighty-two, sent back in the winter season to Ireland. These cases showed the greatest injustice and cruelty, and no temporary inconvenience should prevent any hon. Gentleman who was cognisant of similar ones bringing them at once before the House. In the district of Westminster, he could give him a case from St. Margaret's parish of one unfortunate woman, with five children, who had been thirty-two years resident there, and nine years consecutively in one house. Having received some temporary relief, she was sent by the magistrate's order, in the custody of the police, and shipped off to Ireland, without being allowed to sell her furniture or any little matters she had to dispose of. These examples might be quoted not only from London, but other towns, and in Liverpool he had heard of the case of an unfortunate man who had been twenty years residing there, and for the last ten years had resided in the same house without ever having been destitute, till by an accident he fell from the roof of a house, and applied for and obtained some temporary relief. The poor-law officials obtained an order to have him sent to the hospital, and the moment he was able to leave it, he was seized as if he had been a felon, and although 10*l.* 14*s.* was actually due to him, at the time, for wages, he was not allowed to get it, but was shipped off and landed in Ireland, at least 100 miles from his native place. Under these circumstances he did not think they ought to stand upon the question of whether this or that was the proper time to bring forward such cases of cruelty, and he was satisfied that such an appeal to the justice of the House would never be made in vain.

Subject dropped.

#### MILITARY ESTABLISHMENTS—WAR WITH RUSSIA.

SIR JOHN WALSH said, that, in rising to call the attention of the House to the inadequacy of the military establishments of the country to meet the exigencies of the approaching war, he must say that although the state of our foreign relations had occupied a very considerable portion of the attention of the House during the last few days, yet, notwithstanding the magnitude of the subjects discussed, and the ability of the speakers on either side, a certain languor appeared to pervade the

whole debate, in consequence, as he believed, of its referring for the most part to past events and bygone transactions. He now took the liberty of inviting the House to consider this great question from another point of view; to cast their eyes forward, and to consider what policy they ought to pursue in the future; to endeavour to measure the proportions of the contest into which they were about to enter, to estimate the means which they intended to employ in order to procure a successful result. He regretted being the cause of interposing any delay in going into the Committee of Supply, but he felt that the considerations he was anxious to offer to the House were of so general a character as to be more fitted for discussion in the whole House than in any particular vote in Committee. He deeply lamented the necessity of war; even that champion of peace, the Member for the West Riding, could not regret it more; but when we had actually entered into treaties of offensive and defensive alliance with France and Turkey, he conceived that it was out of the power even of the hon. Member for the West Riding himself to point out to us a means of honourably avoiding war. He hoped the House would not commit the error of underrating the importance of the approaching struggle. He had heard hon. Gentlemen say, both in and out of that House, that the power of Russia had been greatly exaggerated—that her armies existed only upon paper—that the mismanaged state of her commissariat neutralised the strength of her forces—that all her classes were demoralised and corrupted—and that, in short, her power was a mere bugbear, and she herself an ideal adversary. That was not the opinion of one whose judgment on military matters, and on national questions such as the present, was entitled to the highest consideration. The Emperor Napoleon represented the forces of Russia to be of the very first order, and said that Russia was the only country in Europe whose population were raised in the social scale by becoming soldiers. It must be recollected likewise, that, although Russia was governed by an absolute monarch, a very intense national spirit pervaded it—that the patriotism of the Russians was of a very warm character, and that in the present contest the religious feelings of the people were enlisted. Nor should it be forgotten that what the sea was to England, her steppes, her immense tracts of country, her

ice-bound shores, and her rigorous climate were to Russia, and that, in fact, she was a fortress and a citadel in herself, waging war upon her opponents, assured of the comparative safety of her own interior dominions, and perfectly safe from foreign invasion. The greatest empire this world ever saw was shipwrecked and disorganised in a vain attempt to cope with her. Moreover, when once war was proclaimed in Europe—when once the peace of forty years was broken—we could not estimate what extension the war would have, or what direction it would take. Even within the last few days the theatre of the war had been extended. A war of a most embarrassing character, which might wholly change, if it proceeded, the complexion of the entire contest, had supervened, as it were, upon the original war. An insurrection had taken place among the Greek subjects of the Ottoman Porte. How far that insurrection might extend, or what direction it might finally take, was certainly, at present, a question involved in obscurity; but there were the elements of extension in it, for not only were the Greek population of European Turkey in a state of violent agitation, but there was a very considerable Christian population in Syria, which had often been disaffected, which was always turbulent, and which was warlike and capable of causing additional embarrassment. He must, therefore, confess that he viewed this part of the contest with considerable anxiety, for, whatever might be our opinion as to the justice and expediency of the cause of Turkey as against Russia, the question would certainly become very much changed if it should assume the character of a struggle between Christianity and Islamism within the territory of the Porte. But there was another point to which he would venture to call the attention of the House. Two systems of neutrality had now been declared in Europe: one, the system of neutrality declared by the northern maritime nations; the other, the system of neutrality declared by the great Germanic Powers. Now, he saw round him, perhaps, very few hon. Gentlemen who, any more than himself, had much experience of military matters, but he presumed he saw a great many who had had considerable experience of electioneering contests—those little mimic wars which bore some degree of similarity to great struggles between nations—and he would appeal to them whether, in electioneering contests, they could

ever place the slightest reliance upon declarations of neutrality. Such declarations had often been made in elections in which he himself was engaged, but he never knew of one, where the contest became keen and the passions were aroused, in which these declarations were not merged in the heat and excitement of the contest; and he was quite sure that in this respect the politics upon the great stage of Europe would not differ essentially from those of a county or a borough. There was still another point to which he wished to call the attention of the House. The peace of Europe, which had now lasted for nearly forty years, was based upon the treaty of 1815-16; but shortly subsequent to the great compact a very important treaty was entered into by the Northern Powers, which had a great effect upon the politics of Europe. He alluded to that famous treaty which had been so often denounced in that House—the Holy Alliance. There were two main principles upon which that treaty was founded. First, it was a union of three great Powers against the principles of revolution and progress; but, in order to give effect to that principle, there was another necessarily superadded—that of a disclaimer on the part of these three Powers of all and every intention of territorial aggrandisement, or personal or national ambitious views, by those nations towards each other. Now the latter, at any rate, whatever might have been the disadvantages or the faults in other respects of the Holy Alliance, was a principle which in itself worked for good. The Holy Alliance was originated by the Emperor Alexander, and that disclaimer and relinquishment of all views of territorial aggrandisement had been one of the many causes which, for nearly forty years, had preserved the peace of Europe. It was now quite evident, however, that Russia had abandoned that policy—that all those obstacles which the three allied Powers opposed in Europe to the progress of national ambition and the desire of territorial aggrandisement, which in former times had been the cause of half the wars of the world, had been swept away—and that all the horrors of confusion and anarchy had been again let loose upon mankind. We had now, consequently, to deal with an altered state of things, and would necessarily be obliged to make a corresponding change in our policy. During the last forty years we had dealt with a state of

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peace; we had now to deal with a state of war, the extent and direction of which we had at present no means of measuring. The policy of England during the continuance of peace had been a policy based upon the assumption that war would never again exist in the world, but would be superseded by the enlightenment and progress of the age. We had now arrived at a state of things in which war was not only certain, but in which it was extremely likely that war would be for some time to come the normal condition of Europe. What, then, was the course which England should take under such circumstances—what the provision she should make to preserve her character and position as one of the first-class Powers of the world? England had never been an aggressive country—the whole of her history showed that she had nothing to gain and everything to lose from war; but still, if war did come, it was their duty to see that England should be maintained in her position as one of the greatest nations in the world. Now, it might be said that any war in which England ought to engage should be a naval war; but he thought, in answer to that, it would be sufficient to point to the fact, that before we were actually at war—when we were only drifting towards war—we found it necessary to send 25,000 men to the other extremity of Europe. If there was to be an European war, and if England was to be engaged in it, she must of necessity be both a great naval and a great military Power. And England had every possible requisite for becoming both. Napoleon had said, "With your 40,000 troops you will never become a great military Power." But why should England have an army only of 40,000 men available for foreign service? Why, he would ask, with 27,000,000 of inhabitants, with the richest country on the face of the globe, and with soldiers who had never been surpassed by any troops in the world, should we not be a military nation if an European war should occur? Not only had we the materials for making the best soldiers in the world, but we possessed the command of the seas, and that great facility of transport by steam which had infinitely augmented our power, and we enjoyed advantages in other respects which might enable us to become a powerful military nation, with a comparatively smaller number of troops than any other great country in Europe. Supposing a state of war pervaded Europe, England, as he had

shown, had every means to become a great military Power. National feeling, he was sure, would respond to every demand properly made on the patriotism of the people; and he wished to know on what grounds it could be urged that we should be satisfied with assuming a second position, when we had a right to assume the first position, among the nations of the world. The English army at present was about equal in number to the army of Belgium—a second-rate State; but the English army was dispersed over all the quarters of the world, and for years past we had barely had a peace establishment. The right hon. Gentleman the Secretary at War was now about to propose an augmentation of about 10,000 men upon the Army Estimates for last year—but would our army be then upon any other footing than that of a liberal peace establishment? In 1848–49, when we had no subject of quarrel or controversy with any other State—though certainly there were disturbances on the Continent which rendered precautionary measures prudent—our army consisted of 113,847 men. The number of men now about to be proposed for the army was rather less than 113,000 men, so that, while we were sending 25,000 men to fight the Russians in Turkey, the number of men in the army would be actually less than it was in 1848–49. In the year 1846 our army consisted of 108,600 men, and in 1847 of 108,400 men, and therefore our army this year, with the proposed augmentation, would little exceed in number the armies of 1846 and 1847, when a state of peace existed. He would ask whether this was an adequate provision for a great emergency—for a struggle with a first-rate Power of Europe? It appeared to him either that Her Majesty's Government were extravagant then, or that they were parsimonious now. It was actually proposed to diminish, though not to any great degree, the number of the cavalry—a most important arm of the service, and one that it required a very considerable time to form. He thought it was evident, then, that though Her Majesty's Government had taken advantage of the present warlike movement to get the army up again from the low numbers to which it had been screwed down by the hon. Member for the West Riding (Mr. Cobden) and his friends to the peace establishment, which was maintained four or five years ago, they were not putting the army upon the footing of a war establishment. He did not bring forward the ques-

tion with any party views, or in any spirit of hostility to Her Majesty's Ministers; indeed, he thought Her Majesty's Ministers ought to feel obliged to him for throwing out these suggestions. If it were intended to be a party or hostile move, it was certainly the clumsiest ever man conceived, because the Secretary at War would most probably use his (Sir J. Walsh's) speech as an answer to that of the hon. and gallant Member opposite (Sir D. L. Evans), who had a notice on the paper to call attention to the number of troops in the Colonies which had been found necessary to protect our garrisons during forty years of peace, but were to be withdrawn during the very first year of war. He would leave the Secretary at War to answer that proposition, but he ventured to predict that the right hon. Gentleman would tell the House there was one hon. Member calling out for greater armaments and another for the withdrawal of those already existing, whilst the Government, taking the happy medium, only asked for such a force as was indispensable. He brought forward this subject, however, with no hostility, as he had already said, to the Government, but simply as an independent country gentleman, deeply sensible of the importance of the present crisis, and anxious to impress what he considered truths of a most important character upon the attention of the House and of the country. In doing so, he was supported by the opinion of that great man to whose valour we owed the blessings of the long peace which we had enjoyed. In almost the last speech which the late Duke of Wellington delivered in the House of Lords he made use of a few epigrammatic sentences, which were so germane to the subject that he could not forbear quoting them, believing also that the voice, as of one beyond the grave, would possess a weight and consideration which the words of no living man could obtain. On the 15th of June, 1832, the Duke of Wellington said:—

"As to the regular army, my Lords, I tell you that for the last ten years you have never had in your army more men than enough to relieve the sentries on duty at your stations in the different parts of the world; such is the state of your peace establishment at the present time; such has been the state of your peace establishment for the last ten years. You have been carrying on war in all parts of the globe, in the different stations, by means of this peace establishment; you have now a war at the Cape, on the very frontier of Her Majesty's dominions, still continuing, which you carry on with your peace establishment; yet on that peace establishment I tell you you have not more men than are enough to relieve the sentries

at the different stations in all parts of the world, and to relieve the different regiments in the tropics and elsewhere, after services there—of how long do you suppose?—of, in some cases, twenty-five years, in none less than ten years, and after which you give them five years at home, nominally—for it is only nominally in a great many cases. . . . My Lords, I tell you you have never had a proper peace establishment all this time.”—[*3 Hansard*, cxxii. 729.]

Those were the words of the Duke of Wellington; and if he used those words when the country was at peace, or engaged only in little wars with distant and barbarous nations, what would he have said had he been spared to the present crisis, and seen England, with only a peace establishment, entering upon a war with the greatest and most powerful nation in Europe?

MR. ALCOCK said, he wished to be allowed to say a few words upon this subject, as he had, twenty-five years ago, travelled through those countries which were now the scenes of war, and had formed opinions which, whatever might be their merit, were founded upon the most honest conviction. He would not refer to any of the diplomatic negotiations which had been in progress for some time, but would come at once to the question of war with Russia. Upon that subject he only wished to refer to one particular point—namely, the question of the command of the Black Sea. In his opinion, if this country determined to have the ascendancy in that sea, there would be no difficulty whatever in compelling Russia to come to terms. He was fortified in this belief by the opinions of the English Ambassador at Paris, of M. Drouyn de Lhuys, of the Emperor Napoleon, of Lord Clarendon, and of others who were admitted to be the highest authorities upon this subject. In a letter from Lord Cowley to Lord Clarendon, dated the 16th of December, Lord Cowley said that he had had a very long interview with M. Drouyn de Lhuys; that they had discussed the affair of Sinope, and the question of sending the fleets into the Black Sea; that they had come to the conclusion that, unfortunately, they had not the power to compel the suspension of hostilities by acting on the Danube or in Asia Minor, but that they had it in their power to compel the suspension of hostilities by obtaining the superiority in the Black Sea, and by sweeping that sea of the Russian flag. In another part of the same letter, Lord Cowley spoke of Russia as being paramount in the Black Sea, and observed that that sea could be considered

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little else than a Russian lake. The question had already been asked, but he thought it had not been very satisfactorily answered—why, attaching so much importance to these facts, the French and English Governments did not send their fleets into the Black Sea before the affair of Sinope? But, if there was any difficulty in explaining why the fleets did not enter the Black Sea before the affair of Sinope, why, he asked, did not they enter that sea immediately after the destruction of the Turkish ships at Sinope? He did not attach any blame to Her Majesty's Government with reference to that matter; on the contrary, he considered that Lord Clarendon had behaved very nobly on the subject, and he (Mr. Alcock) had not a word to say except in praise of Her Majesty's Government. But there was a vast difference between the conduct of the Government in this country and the conduct of the British Ambassador at Constantinople. He (Mr. Alcock) might refer, on this point, to two letters in the published correspondence—one addressed by Lord Clarendon to Lord Stratford on the 17th of December, and the other addressed by Lord Stratford to Lord Clarendon on the same day. Lord Clarendon, in his letter, alluding to the affair of Sinope, said:—

“Your Excellency, no doubt, will have already sent the fleets into the Black Sea. No particular instructions, it seems to us, are necessary; we have engaged to support Turkey against the hostile aggressions of Russia, and we are bound to stand by that engagement.”

Of a very different spirit and character was the letter of Lord Stratford. Having stated that he was about to send the combined fleets into the Black Sea, he went on to say, in effect:—

“But your Lordship may be disposed to ask why I have not done this sooner—why I have not sent the combined fleets to avenge themselves for the dreadful attack on Sinope—why I have waited until this time?”

And what did the House think were Lord Stratford's reasons? Lord Stratford assigned five reasons for the delay—three principal and two inferior reasons. His first reason was, want of information as to the movements of the Russian fleet in the Black Sea. But the best way of discovering the movements of the Russian fleet would have been by sending out the combined fleets to confront it. In the very same letter of the 17th of December, however, Lord Stratford showed that he was acquainted with the movements of the



Russian fleet, for he mentioned that on the 8th of December that fleet, consisting of twelve sail of the line, had been seen on the coast of the Crimea. Lord Stratford's second reason was an unwillingness to incur the risk of a collision by premature provocation; but, when the diplomatic negotiations between this country and Russia had been going on for so long a time, and when the barbarous massacre of Sinope had taken place, he (Mr. Alcock) thought it was absurd to talk of premature provocation. Lord Stratford's third reason was that he thought it better to wait for an invitation from the Turkish Government; but it would be found from the published despatches that such an invitation had been given on the 4th of December, when Reshid Pasha requested that the combined fleets might enter the Black Sea. The two inferior reasons assigned by Lord Stratford were, that the north-west winds prevailed and had delayed the arrival of the English fleet from Besika Bay, and that about the time in question a change of the French Ambassadors at Constantinople took place. He (Mr. Alcock) must say that, under the circumstances, it was a matter of surprise to him that immediately after the affair of Sinope the Russians did not avail themselves of the apathy of Lord Stratford and at once take Trebizond. He had been induced to make these remarks against Lord Stratford de Redcliffe, he need not say, from no personal motives, but because blame must be laid somewhere, and it appeared to him that this was the quarter in which it ought to be laid. Why had the British navy been tied down in the Bosphorus, contrary to their natural feelings, for they must have been burning to sail into the Black Sea? The result of keeping them back was that opportunities had been lost which we should scarcely ever have again. The Government had now to despatch troops to Constantinople, but the war would have been put an end to at the time he referred to if the fleets had been sent into the Black Sea with full power to act against the Russians. He believed there was yet time to repair the mistake which had been made. Let the combined fleets sweep the Black Sea of the Russian flag, and the war would soon be at an end. The possession of the Black Sea was not only important from the material power it gave, but from the moral power it also conferred. In the first place, if the English and French fleets held possession of that sea, the Russian

fleet could no longer assail that of Turkey, nor could it co-operate as in 1828-29 with land forces from Odessa or Sebastopol, below the line of the Balkan. That was most important, because it was only from that co-operation on the part of their fleet that the Russians got to Adrianople in their last campaign against the Turks. Then, again, by holding the Black Sea, we should at once put an end to the possibility of reinforcements being conveyed to the Russian troops in Georgia, and other parts north and south of the Caucasus, and the consequence would be, that all the fortresses, extending for 300 miles on the coast, and including Anapa, Sudjouk-Kale-Julendjik and Poti, would easily fall, the existence of which alone prevented the Turks co-operating with the Circassians. The House would recollect that the people of the Caucasus, who had for so many years defended themselves single-handed against the whole power of Russia, occupied a country as large as the whole of England and Wales, composed of a succession of fastnesses and natural fortresses, and it was not an unreasonable expectation that, if that indomitable people were properly assisted, they would soon take advantage of their opportunity, and Georgia (one of the richest provinces of Russia) would be wrested from the dominion of the Czar. These were some of the material advantages; and then, looking at the moral effect, what would the people of Bessarabia and the Crimea, and all the discontented nations under Russian rule, do if they once knew that the ascendancy of Russia in the Black Sea was at an end, and that the British navy was paramount there? Why, it would be nothing less than a deathblow to Russia, and it would then rest with the allies to make their own terms. In conclusion, he would reiterate his opinion that great blame attached to our Ambassador at Constantinople for his want of decision and straightforward conduct in not taking that course with regard to the entry of the fleets into the Black Sea which was marked out for him by his own Government, and still more by the Government of our ally.

SIR DE LACY EVANS said, he had a notice on the paper to call the attention of the House to the large number of troops employed in the Colonies. He had on a former occasion attempted to advocate a reduction of the military force in the Colonies, and he thought it was more opportune at the present moment than at any

other period—not, as the hon. Baronet (Sir J. Walsh) supposed, because he wished to diminish the military force of the country, but because his object was to place an additional force at the disposal of the Government. During the last two or three years several hon. Gentlemen, besides himself, had adverted to the great number of troops in the Colonies, and the propriety of their being diminished, considering that, as free trade had been established and free institutions had been conceded to the majority of them, the time had arrived to oblige the Colonies, if they wanted troops, to maintain them at their own expense, and not to have the British army disseminated over those Colonies in small detachments at a great additional expense and without any advantage to the Imperial Crown. He found, from the observations of the noble Lord (Lord J. Russell), that he readily complied with those suggestions, and promised that several regiments should be withdrawn from the Colonies; but he was very sorry to find, by a return laid on the table of the House within the last few days, that, instead of diminishing the force in the Colonies, they had been increased, and had now reached the enormous number of 47,000 men of all arms. Considering that the whole force disposable for war and the defence of our home territories was only 64,000 men, he thought 47,000 a very large and unnecessary force to be retained in the Colonies. He did not propose to touch the garrisons, as the hon. Baronet seemed to fear. He was aware that the garrisons must be kept up in the fortresses, and he should not say a word on that subject. He would, however, advert to two or three principal items. He found that Canada, New Brunswick, Nova Scotia, and our other North American Colonies had 6,400 men; the West Indies, 5,300; the Cape of Good Hope, he lamented to see, 8,000, besides irregular troops, which were very expensive; Ceylon, 3,000; and the Australian Colonies, 3,400. He understood that one of the Australian Colonies had consented to charge itself with a battalion. That was a beginning, though a very small one, but he trusted this example would be generally followed. He contended that the whole of the British troops in the Colonies ought to be maintained at the expense of the colonists. He would not go into detail, except with regard to our Canadian Colonies. That splendid colony had now an independent Govern-

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ment of its own. He found the revenue for the last year was 723,000*l.*, and the expenses, including interest on debt and sinking fund, was 535,000*l.*, leaving a surplus of 188,000*l.*; and, with this surplus of 188,000*l.*, the mother-country was still left to defray the charges of the military forces of that colony. There were the fortresses of Quebec and Montreal, in which garrisons should be kept; but the noble Earl who was then at the head of the colony had advised, two or three years back, that the number of troops should be reduced to 1,500 or 2,000 men. He considered that that advice ought to have been followed, and that 1,500 or 2,000 men would be quite sufficient to garrison the fortresses to which he had alluded. In that case there would be 3,400 men disposable for the service for which they were now likely to be required. He was especially at a loss to understand why so many as 1,000 men of the Artillery and Sappers and Miners should be kept in the Canadas alone. There was another colony which was in so flourishing a state that last year its revenue had nearly doubled—he alluded to the colony of Nova Scotia; and yet this country was required to pay a military force for its defence, although there was no external danger whatever to be apprehended. In point of fact, with respect to these colonies the troops there were doing little more than police duties. He had no wish to detain the House from going into the Estimates, but he hoped the right hon. Gentleman the Secretary at War would take the subject into his consideration and give a satisfactory answer. He knew that there was a constant pressure on the Government on the part of the Colonies against the withdrawal of the troops; but it could not be expected that, whatever the colonists might wish, that House would permit the continuance of this unnecessary expense. There was another topic with respect to which his name appeared upon the paper, upon which he proposed to make a very few remarks. Great complaints had been made in the public prints with respect to the advanced age of the general officers of the Army. It was for the Government and not for him to say whether those complaints were well founded or not. He was afraid it was so to a very considerable extent, and he thought it was not to be wondered at. The notice which he had given suggested either that the intervals between the military brevets should be shortened, or that

of general officers; or that the selection should be made upon the ground of merit, or of fitness for command, which he thought would be the best rule of all. If seniority was to be perpetually the rule, and five or six years to continue to be the interval, it must of necessity happen that the higher ranks would be constantly filled by old men. If they compared the Army with the Navy, they would find that, although the former was, in point of fact, threefold more numerous than the latter, the Navy had a greater number of admirals than the Army had of generals. To improve the efficiency of the flag list, an arrangement had been made some little time ago by the right hon. Baronet the Member for Portsmouth (Sir F. Baring), then at the head of the Admiralty, for limiting the list of effective flag officers to 100, and for placing the remainder on the non-effective or retired list. What was called the effective list contained 100 admirals, and the non-effective list 199; but, owing to the extraordinary ingenuity of the right hon. Baronet, he believed that a great number even of the former were troubled with gout and other little matters which would be likely materially to impair their fitness for active service. He did not, therefore, ask that the rule which prevailed in the Navy might be extended to the Army, but certainly some remedy for the existing state of things was imperatively called for. It was, moreover, quite unfair to send out, as they were doing, a number of officers of the rank of colonel to take the command of brigades, because they had not officers enough of the higher grade to undertake that duty. In the present state of the service there was, probably, no option. But was it fair to call upon these officers to undertake the duties and responsibilities of a rank higher than their own, without giving them, at the same time, the rank and pay? Would the same kind of rule be considered just if it were applied to the civil service—if, instead of promoting persons from subordinate positions to fill the vacancies occasioned by the retirement or incapacity of their superiors, they compelled them to do the duty for half pay, giving them only a kind of local or temporary rank? He thought that where the duty was thrown, the rank and pay ought to follow; and he hoped the subject would engage the serious attention of the Government, as in the present circumstances

that it was intended to be referred to a Commission, because questions which were so dealt with were almost invariably shelved.

MR. F. FRENCH was disposed to doubt whether the power of Russia was so formidable as it had been considered to be. In the campaign of 1828 and 1829, although the Danube and Balkan were undefended, and there was but a very little fighting at Shumla, Varna, and Silistria, it still took the Russians two years to get to Adrianople; and he had it on the authority of Lord Ponsonby that, at the moment when peace was signed, Russia had only 7,000 available bayonets, and that out of the immense force, 120,000 men and 300 guns, which crossed the Pruth two years before, only 15,000 returned to their own country. Turkey at the present moment stood in a very different position from that in which she was then placed. She now had a large army in first-rate order, her artillery was second to none in the world, and she had proved that her own troops alone were competent to her defence; but, if even they were beaten at Kalafat, and the Balkan was turned by Sophia, the contingent of France and England would meet the Russians successfully when they emerged upon the plains of Adrianople. He could not agree with the hon. Member for East Surrey (Mr. Alcock), that any blame was to be attached to our Ambassador at Constantinople, nor, on the other hand, could he concur in the praise which had been bestowed on the Government for the line of policy they had pursued. The Government had been guilty of grave errors, both of omission and commission, in this matter. The first error to which he would advert was non-compliance with the request sent by Colonel Rose that the fleet should proceed to Constantinople. He knew it was said that Colonel Rose had afterwards expressed his satisfaction that this request had not been complied with, but it was worthy of notice that from the time that Colonel Rose sent for the fleet an altered tone was observable in the negotiations. The right hon. Gentleman the First Lord of the Admiralty had approved of the refusal of Admiral Dundas to leave Malta—so did the Emperor of Russia, as shown by the complimentary message conveyed from him to Lord Aberdeen in Count Nesselrode's despatch. How strange it was that all Sovereigns entertaining hos-

tile feelings towards England, as Louis Philippe at the time of the Spanish marriages—Nicholas on the question of the Greek and Latin Churches—are gratified at, and grateful for the *beau rôle* played by this noble Lord. He (Mr. French) doubted that the approval of these Sovereigns would enhance his merits, whatever they might be, in the eyes of the British public. The next point was the non-interference of the British fleet after it did go up to Constantinople. Admiral Dundas had a force quite sufficient to fulfil the engagements into which we had entered to give assistance to the Turks, but at Constantinople it was a matter of doubt whether the fleet had been sent to assist the Turks against Russia, or to coerce the subjects of the Porte. Had the fleet gone as directed by the Ambassador to the Black Sea one week before the disaster at Sinope, that unfortunate event would not have occurred, and he believed that not only had we been the cause of that disaster, by our fleet not going into the Black Sea, but that it was through the interference of British agency the Turks had not been allowed to protect themselves. There were letters from Admiral Slade in this country to the effect that he was perfectly competent to deal with the Russian fleet with the ships under his command; but Lord Stratford interfered, and they found him writing to Lord Clarendon that he had succeeded in dissuading the Porte from sending a detachment of line-of-battle ships into the Black Sea. Indeed, the friends of Admiral Slade expected to hear of a victory over the Russian fleet, when the news came of the destruction of the Turkish flotilla at Sinope. On the 5th of November Lord Stratford writes to M. Pisani:—

“ I have just heard that orders are come up for sending four line-of-battle ships and ten sailing frigates into the Black Sea to-morrow. In consequence of this I shall not order up the remainder of the squadron until the intended enterprise is abandoned.”

This squadron was destined for Sinope. The threat was effectual, and the expedition was given up. The same day the Ambassador writes to Lord Clarendon:—

“ I have succeeded in dissuading the Porte from sending a detachment of line-of-battle ships and frigates into the Black Sea at this moment.”

We neither protected the Turks nor allowed them to defend themselves. Then, when our fleet did go into the Black Sea, what did they do? We sent war steamers

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to Batoum, within twenty-seven miles of St. Nicholas, which place was bombarded after our entry into the Black Sea, and no explanation of this circumstance had yet been given, nor of the cause of their return. It was said they were induced to do so from stress of weather, but the Turks declared that they never had better weather than at this time. The steamers returned, too, in opposition to the orders of the Ambassador. The noble Lord had approved the course taken by the Admiral. No sooner had they returned than the Russian fleet came out, threatening the whole coast of Circassia, and the British merchants at Trebizond were compelled to solicit protection. Under these circumstances, it was not wonderful that questions were raised as to the conduct of the British Government. What was Lord Stratford's opinion of the course that was taken may be judged from his letters. On the 17th of December he writes to Lord Clarendon:—

“ I cannot conceal from myself that the late destruction of the many Turkish ships at Sinope would not have taken place had the fleets been sent up the Black Sea at an earlier period. Forgive me, my Lord, if, in the combination of circumstances, all tending to the same conclusion, I cannot lose sight of public opinion, or that matured judgment which later times will pronounce on our conduct.”

The Vienna correspondent of the *Times* says that Count Buol was so afraid that the Western Powers, after Sinope, would assume the offensive, that an uninterrupted telegraphic communication was kept up with Paris and London, till his apprehensions were relieved by an assurance, “ that no step would be taken that could interrupt negotiations.” In whom was the command of the fleet vested? Foreign Secretary, Ambassador, or Admiral? Lord Clarendon says, that Lord Stratford was allowed to have the disposal of the fleet, if he considered the assistance of a British force absolutely essential to the safety of the Turkish empire; that Her Majesty's Government, however, were desirous that his Excellency should understand they by no means intend to depart from the moderation and conciliatory course, which they had always adopted; and concluded by informing him that force should only be resorted to as a last and unavoidable resource for the protection of Turkey from an unprovoked attack. For what was the fleet sent to Constantinople? Lord Clarendon declared to Baron Brunnow that it was merely to protect British



you accuse the Emperor of Russia of want of straightforward dealing, when such is the course taken by a British Minister? He gave Ministers credit for their desire to preserve peace, though the means they took to bring it about would have, if successful, left matters in a far worse state than they found them, and forced all Europe into war to resettle the balance of power on a safer basis. Their negotiations were described by Lord Ponsonby as "based on fear of Russia." He writes, "The present pusillanimity is the promoter of danger, it is the fosterer of shame, it is the offspring of ignorance, it has disgraced the country in the eyes of other nations." Such was the deliberate opinion of a Minister of the highest intellect and greatest experience in Europe. The Emperor of Russia had reason to complain of the treatment he had received. His demands in relation to the Holy Places were approved of here by Lord Aberdeen, before they were presented to the Sultan by Prince Menchikoff, and were supported by England at Constantinople. The intended occupation of the Danubian provinces was known and not objected to here. So early as the 7th January the Government had ample information that Russia was preparing military forces to carry out her objects, whatever those objects might be. They had similar advices in March, and again in April. It was true that Count Nesselrode's answers to representations on this subject were evasive; but there were the like accounts from our own consuls and agents in or near the countries where the forces were being collected. How was this information received by the Government? Merely by sanguine hopes that the Emperor of Russia would refrain from further increasing his forces or abstain from using them. Was there any language of remonstrance heard from the British Government? Was there any attempt to point out the gross injustice which Russia was about to commit, to throw the responsibility upon the Emperor of measures which would inevitably throw Europe into collision, and to point out to him that, if he drew the sword and took possession of territory which did not belong to him, he would be responsible for all the fatal consequences that might ensue? Not a bit of it. The Secretary for Foreign Affairs, on the 8th of June, wrote a despatch to the British Minister at St. Petersburg, in which he said:—

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must be also aware of the desire of Her Majesty to maintain the most cordial relations with Russia, and how essential it is to the peace and tranquillity of Europe, and to the avoidance of all rupture, and to the maintenance of that peace, which is the object of our policy, that we do not believe in the necessity of the terrible measures, such as that which has been proposed: they do not finally closed against them appears to venture, therefore, Russia may be obliged to existing treaties without seeking to Greek subjects or always and necessarily

It was upon large scale that the Emperor of Russia was convicted that Britain would question like the Lord Clarendon ready writer, a statesman. It was of too feeble under the weight ventured to assist the Member for the Secretary been at the head of the disaster of Sin place, nor was crossed the political prediction of purpose, and noble Lord a ment, was our country was not the antecedent head of the (the demands of exertions of remained at the arrangement likely to take for speculated on the indecision but he believed ferent if the sell), or the Home Office, management the maintenance land. If such the opinion of it would be to declare so. The



tion of personal feelings in matters of this kind, but he believed it was of the last importance that we should at the present moment have for the conduct of our foreign affairs men who possessed the entire confidence of the country.

MR. HADFIELD said, he must express his strong dissent from the sentiments of the hon. Gentleman who had just sat down, for he highly approved of the conduct of the Government in making war their *dernier ressort*. So far from having suffered by delay, he thought we had obtained vast and almost incalculable advantages by it. The noble Lord at the head of the Government had declared to the world that the policy of this country was peace; and the desire we had shown to avoid war must have convinced the world at large that the sentiment which the noble Lord had uttered was not a mere profession. Thrice armed was he whose quarrel was right, and since we had not willingly entered into this struggle, but had been driven to it, Europe would find the wrath of the peaceful man more effectual than the fury of the enraged Emperor.

Lord JOHN RUSSELL said, he must object to the course which the discussion was now taking, as contrary to all precedent. There had been a lengthened debate upon this subject, and the House had expressed its opinion that supplies should be granted for the purpose of carrying on the war, if the country should be involved in war. The Government had not shrunk from debate, and he thought the House would now be acting only in conformity with its expressed opinion by allowing them to go into Committee.

House in Committee; Mr. BOUVERIE in the chair.

#### SUPPLY—THE ARMY ESTIMATES.

(1.) 112,977 Land Forces, number of men.

MR. SIDNEY HERBERT: Mr. Bouverie, I am sure the hon. and gallant Officer who addressed the House a short time ago, making some observations on the distribution of troops, and the hon. Baronet (Sir J. Walsh) who objected to the amount of force proposed in the present estimate will not think me guilty of any disrespect towards them in having waited until the House had gone into Committee before noticing the observations which they had made. Before I do so I will state—and I will endeavour to do it as shortly as I can—the changes which are embraced in the present estimate, stating at the outset

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that the present estimate must not be looked to as the final estimate for the year. The Government thought it more consonant with their duty to allow the House to discuss their policy, being a policy on which any large increase of estimate would be necessarily founded, before laying any such large increase before the House. This, therefore, must be looked on as an estimate formed in time of peace, but in anticipation of events which might follow. Now, it will be seen that the proposed increase of men amounts, speaking in round numbers, to 10,600; but the increase really is rather larger than that, owing to the reductions which have taken place in some of the colonial corps, and particularly in the Ceylon corps, in which a large reduction has been effected, because it was found that in the course of years the recruiting ground of the Ceylon rifles did not afford a sufficiently large population to recruit the regiment up to the requirements of the establishment. Allowing for these reductions, we may consider that the increase of British troops—Guards and infantry of the line—amounts in round numbers to 11,000 men, and that the increase of cost will be 300,000*l*. The increase in the whole estimate, however, will be balanced by very considerable reductions in the non-effective departments of the service. There are some items of increase over which I can have no control, as in the case of the Military Asylum, the Hibernian School, and the hospitals at Chelsea and Kilmainham, where the increase in the price of provisions has of course had considerable effect. By the constant application and vigilance of the military authorities, there is a reduction of something like 33,000*l*. The attention of the Government has for some time past been systematically turned to the staff, and the reductions in consequence have been considerable; but in spite of that, there has again this year been a reduction at Canada, the Cape, Hong Kong, Nova Scotia, and the West Indies, amounting to about 5,000*l*.

Before I state the degree to which the concentration and withdrawal of troops from foreign stations has increased the effective power of the army, I should like to mention what changes have been made during the year in its interior organisation. Upon the subject of education in the army, very considerable changes have been made this year. In the first place, the pay of the schoolmasters is about to be put on an entirely different footing from that on which it was heretofore. Hitherto the

rest of their receipts to what they could get by fees from the men, their scholars. It was thought, as it turned out erroneously, that the effect of that system would be, that, their pay depending on their activity and their exertions, they would, from motives of interest, keep up the numbers of their scholars. But it was found on experience, that this was not so. It was found that the popularity of the school, and the number of men attending it, depended far more on the interest taken in it by the officers than on the degree of efficiency in the schoolmaster; for of his efficiency the great majority of the men were not able to judge, whilst if they found the officers of their regiment taking an interest in the school, they were immediately stimulated into attendance. The result was, that we had some of the very best schoolmasters which Chelsea had produced, receiving the lowest rates of remuneration, and, on the other hand, some of the worst receiving the highest; and there were constant complaints from those who considered themselves ill off, and requests from them to be removed to what they considered better regiments, that is, to regiments where the attendance was better. Under these circumstances I proposed to Lord Hardinge that the system, not answering, should be changed, and that, instead of the faulty mode of payment then existing, there should be three fixed rates of pay, into which the fees should be merged applicable to three classes of schoolmasters. I suggested this change, and, at the same time, proposed that promotion from one class to another should be by merit, and by merit alone. I had no doubt that the hope of appreciation and reward would be in this, as in other professions, the very best stimulus to exertion. This system, I believe, will tend to promote zeal among the schoolmasters, and will induce them to use every exertion to keep the schools in a high state of efficiency. I hope that it will also improve the somewhat anomalous position of the regimental schoolmaster, who is at present considered neither fish, flesh, nor fowl. I need not say that the result of this school system has as yet been extremely good, and that the army has derived great advantage from its introduction.

The Committee will perhaps recollect—in reference to the education of officers, to which I propose now to advert—that some

commission in the army should receive one, unless he had passed a certain standard examination. The Duke of Wellington also stated that it was his wish that no officer of the army should be promoted from a subaltern rank to a company, unless he had passed an examination proving him fit for the transition. The Duke of Wellington then said, that in the first examination all you need wish to obtain was the knowledge that the young man had had the education of a gentleman, and that he possessed the abilities to take full advantage of that education. But of the second examination his Grace spoke differently; and he said that it should show not merely that the candidate had had a liberal education, but that he had applied it by turning his mind to military studies, and to an acquaintance with the theory of his profession. The present examination for the first commission is conducted at Sandhurst; and about it I do not wish to enter into details; but my impression is, that the education there is too limited, and within its limits too severe. It is too limited, because certain text books only are required to be studied, and the young man who has not even the best memory, but the quickest memory, is most successful. My own impression is, that that is not a fair or a desirable system, and that it might be thus improved:—By allowing a young man who had had a fair liberal education to be examined in what it is stated that he had learned, by making that the test of his fitness as regarded sufficiency of instruction, and by only considering further his ability to take advantage of the education, the liberal education, which he had received. That is all you want in the first examination. In the second it is different. You then want a professional examination; you want to know that, in addition to a fair gentlemanly education, your officer has applied his mind to mathematical and strategical studies, to such studies as will render him efficient as an officer. I know there is an objection, which I consider fallacious, to this examination, that, by it, you will get men who are book-worms instead of getting the active spirits you require. There is this answer to that, that if the officer who has studied his profession is the worse for his studies, then you must admit that the whole body of the Artillery and Engineers, who are all men of reading and great scientific knowledge, are unfit for

their profession; and that I am sure you will not do. There remains, however, this difficulty—a more reasonable one, to my mind—that the means of study given to different officers would not be the same, and that they would, on the contrary, vary extremely with the localities in which they were quartered. For instance, the officer quartered in England has access to all the best and newest books, whilst he who is quartered in the backwoods of Canada or elsewhere, is, of course, isolated from all access of the kind. It is proposed, by way of removing this difference of opportunities, to establish at the head quarters of certain districts an officer, whom you may call “Captain of Instruction,” or what you please, who will be known as professor of military studies in that district; and on whom it will be arranged that every subaltern officer shall get leave to attend. Thus every such officer would be able to go through a course of instruction before he became a lieutenant, and through another course of instruction before he became a captain. It is intended that there shall be an examination on both these occasions; but, of course, great care must be taken, and will be taken, at first, not to make the standard of these examinations too high, but to arrange it so as to give those who had to go through it every encouragement to qualify themselves. With regard to the instruction and education of the men, I need only say that one proof of the degree to which that instruction is popular among them is shown in the increasing number of volumes which they use, and of the number of persons subscribing to the military libraries. They were instituted in 1840; each man paid a penny per month, and the officers one day’s pay in the year. The number of books when the libraries were first established was 5,000, and it is now 118,000, and the number of men subscribing is between 15,000 and 16,000.

It was suggested by the hon. and gallant Officer (Sir De L. Evans), that there is not at present any sufficient means of education for the post of army surgeon. With especial reference to this question, I have made inquiries both at Paris and Vienna as to the training provided for those who are candidates for employment in their armies as medical officers. At Paris I find they have gone into an extreme which works very ill. They take medical students and educate them exclusively for military surgeons, entirely for-

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getting that in nine cases out of ten a military surgeon’s duties differed in no way from those of an ordinary surgeon. On the other hand here, except at Edinburgh, it is impossible to get instruction of the peculiar character necessary to make a complete military surgeon. Now, what we propose is, not to diminish by any means the general studies of young men wishing to become military surgeons, but to super-add to those general studies a course of lectures on military surgery; these to be given in Edinburgh, Dublin, and London. The House must be aware that no army in the world requires this course of study so much as our own. Last year, for instance, in Barbadoes, a colony which had hitherto been considered as comparatively healthy and the freest from that terrible scourge of all the West India Islands, the yellow fever broke out, and, notwithstanding all that the doctors there could do, it did not abate. To fill vacancies only too frequent we were obliged to send out medical men from England; but what were they? Men who had studied every disease but this, which they had had no means of studying in England. It is most necessary that before young men become army surgeons they should have the opportunity of making themselves acquainted with the diseases of tropical climates, as well as the peculiar diseases incident to the soldier’s life. Under these circumstances, we are going to extend to London and Dublin the advantages of the establishment which already exists at Edinburgh, and we hope to make arrangements for a course of lectures there by next autumn. These lectures, I believe, will be attended with a double advantage. Not only will they be of the greatest value to students, but a great number of army surgeons also will gladly have recourse to them for the purpose of adding to the stock of knowledge they already possess.

Now, Sir, let me say, in passing from this subject of the education of the soldiers, that there has been a very remarkable improvement in their conduct. It was the custom for many years to govern in the army almost entirely by the fear of punishment; it has been the custom now, for some years, to govern it by the hope of reward. The difference, I rejoice to say, has been very remarkable. Under the former system the man entered for life, at least for twenty-one years, during all which time the best he could hope was not to be flogged, not to be imprisoned, and so on.

Under the present system he has not this only motive of the dread of punishment—he has the immediate hope of reward, by the increase of his pay, and he has the assurance that ultimately, in the case of long service, he will obtain an increase of his pension, supposing his merits to entitle him to it. Lately, too, we have made a difference with regard to men who have given twenty-one years of good service. The practice was to give them a medal after their discharge; but that, however gratifying to them, had, for the purposes of example, but little effect. We have changed that practice, and now we give this medal after eighteen years, and he who has earned it wears it from that time till the time of his discharge. We have likewise made changes with regard to the accommodation of troops on board ship; and more especially with contract packets. The effect of all these changes has been most marked in the conduct of the men, the excellence of which increases every year. This year I may mention, if anything were wanting to prove the greater than ordinary frugality of the men, that there has been an augmentation in the amount they have invested in the savings banks. In 1844 the number of depositors was 1,890, the amount deposited 14,849*l.*; in 1853 the number of depositors was 10,723, the amount deposited 124,000*l.* As to offences, the number of persons in military prisons is diminishing; but on this point I will read an extract from the governor of the prison in Limerick:—

“ From a force comprising so many men as that which sends its delinquents to this prison, only 172 have been received during the last year, a fact which, it is my privilege to say, exhibits a decrease in the percentage admitted in former years. That this gratifying result is to be attributed exclusively, or even chiefly, to the dread of military prisons, would not, I think, be a correct conclusion. Mere punishment, however rigorous and severe, will not deter the soldier from offending. I cannot, therefore, but regard the decrease of military offences as, in a great measure, the happy consequence of that system of education and reward which is now so beneficially operating upon the soldier, and teaching him to realise the importance and advantage of respectability and faithfulness. The excellent conduct of the troops serving in this district is additionally gratifying and observable, since during the past year drunkenness has, I regret to say, very lamentably increased among the lower orders in this part of the United Kingdom.”

Now, Sir, having gone through these heads, let me say that the military authorities, while paying this attention to the individual comforts of our soldiers, and to

the means by which the character of the men could be formed, have not neglected to take measures for securing the general efficiency of the forces. Last year I took from the estimates a sum for the purpose of completing an establishment at Hythe, where we could obtain—what in this country it is now very difficult to obtain—a sufficiently long range for practice in shooting. Before the completion of that establishment the practice of the musket had been extremely neglected, and in some regiments there was scarcely any ball-cartridge used in the course of the year. That state of things is now remedied. To that establishment a certain number of privates and non-commissioned officers go from each regiment in their turn; there they obtain practice and instruction; and then they go back to their regiments, able to instruct those whom they left behind them. The consequence is that there is hardly a regiment which will not soon be thoroughly masters of what lately was so generally neglected. A gentleman, a competent judge, came to me the other day, having spent a day at Hythe, where, he told me, he had seen almost more than he could believe. He saw the men at practice with the Minié rifle, and out of 100 shots seventy-seven were put into a target eight feet high, representing cavalry, at 800 yards distance. He had also seen the men skirmishing—shooting without any measured distance, and obliged to guess at it—which, as any one accustomed to rifle shooting knew, was a great disadvantage, and yet out of fifty shots forty were put into the target.

And now, Sir, I come to the point which was mentioned by the hon. and gallant Officer (Sir De L. Evans), who asked what are the Government's intentions—first, with regard to the troops to be allotted to the Colonies; and secondly, with regard to promotions in the army. I agree entirely with what he said as to the distribution of troops in the Colonies, but I must call his attention to the fact that the return he has quoted is a misleading return. The return of the 1st of April, 1853, really gives the force existing in 1852. The next return which appears will give the hon. and gallant Officer the right figures for 1853, and by it he will find that the number of troops in the Colonies has been very considerably diminished since the present Government came into office. Five thousand men, I think, have been withdrawn in that time from the Cape, North America, and the



West Indies. But you have to put against these the augmentation that has been made in the garrisons of the Mediterranean. During the last year, whilst reductions have been taking place in Canada, the West Indies, and the Cape, an addition has been made of upwards of 1,800 men at Malta, Gibraltar, and the Ionian Islands; and it is obvious that at the present moment these three garrisons form the basis of our operations in the East. I agree with the hon. and gallant Gentleman that the Government were right in withdrawing troops from the West Indies. There have been complaints of that, though; but there always are complaints if you remove troops from any colony. Since the gold discoveries, Australia has maintained a regiment from its own resources. A regiment is given on the condition that they pay all the expenses except arms and clothing; and if they want any further troops they will be sent to them on the same terms, and on the same terms only. In short, the Government have made considerable reductions so far as regards the hon. and gallant Officer's first inquiry. With regard to the hon. and gallant Member's other question, the attention of the Government has also been drawn to that subject. It is certainly true that there have been appointments of colonels and lieutenant-colonels to act as brigadiers in consequence of the advanced age of general officers; but the hon. and gallant Member will be gratified to learn that the Government have decided to issue a Commission to inquire into the mode of appointments and retirements in the army, with a view to see what means can be adopted to bring up men more rapidly in promotion, and at a period of greater vigour. The names of the Commissioners are such as to inspire confidence on all sides. First, there are the two eminent military authorities, Lord Hardinge and Lord Raglan; two general officers, Lord Cathcart and Lord Seaton; two colonels, Colonel Buller and Colonel Knowles; two ex-Secretaries of State, Earl Grey and Sir John Pakington; two ex-Secretaries at War, Lord Panmure and Mr. Ellice; and myself. With regard to the observations which have fallen from the hon. Baronet opposite (Sir J. Walsh), I certainly think the hon. Baronet has underrated the military power of this country, and when he quoted the *dictum* of Napoleon that this country never could be a military Power because it could not raise more than 40,000 men, he forgot one impor-

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tant point, that it actually raised 140,000. The hon. Baronet omitted, too, the great augmentation that has been made in the Artillery, which has been increased from 14,000 to 19,000 men. I must remind those who think the present estimate is not large enough, that I do not propose this as a war estimate to the Committee. The Government wished to have their policy discussed before making any great augmentation. It may not be so satisfactory to the Committee as to the hon. Baronet, but I have to state that I must before long bring before you a supplementary estimate. At present I will not delay the Committee any further, but only move that the number of land forces, officers and men, for the ensuing year, be 112,977.

MR. HUME said, he cordially congratulated the Government on the great success which had attended the amended system of rewards and punishments. He hoped they would persevere in the system, which was one that he had advocated for many years past. He was also gratified to find so large an increase of depositors in the military savings banks. He was also glad to hear that it was in contemplation to establish medical schools for the Army. With respect to the Colonies, anxious as he generally was to reduce the military force in them, he thought there was great cause why they should not withdraw troops from those Colonies which had been almost ruined by legislation in this country, and which were hardly in a condition at present to maintain even their own police. He thought it likely disorders might arise if the troops were withdrawn thence. But as regarded the whole of the North American colonies, he was of opinion the troops might be withdrawn from them to strengthen our military establishment here. He should be very glad to hear from Her Majesty's Government that they intended to pay some regard to the unfortunate Colonies which had a mixed population and were altogether dissimilar to the Australian or North American possessions. He could not help thinking that too expensive a staff had been retained, and although he admitted that much had been done to reduce the non-effective portion of the Army, yet they still found nearly 2,000,000*l.* of money paid for non-effective services, while the effective services only required 4,000,000*l.* This went far to prove that the complaints repeatedly made last year were well-founded. On the whole, however, placing confidence in the improved



management, he had no hesitation in saying that no department of the public service had undergone so much improvement as the Army. The results which had been stated with respect to education, the attention to schools, supply of books, and other matters, were highly satisfactory, and taking what they had done as an earnest of their future intentions, he was not disposed to find fault with the Government with respect to trivial matters. He must say, on going over the list, that they had added 11,000 men to the Army at the least possible cost, and he would admit that it was possible to double or treble the number, if necessary, at a comparatively moderate expense. Before he sat down, he was very anxious to refer to what had fallen from an hon. Member with respect to Lord Aberdeen. The hon. Member for Roscommon (Mr. F. French) took on himself to say, that those around him concurred entirely in the reference he made to that nobleman. That might sound very well out of doors, but hon. Members would recollect that there was not a single Member on the bench with the hon. Member for Roscommon at the time he was speaking. He considered that there had been a settled attack upon the Government, and that gross injustice had been done to them in reference to their reluctance to go to war. He would, as a friend of peace, repeat his opinion, that their conduct in the matter deserved great praise, and he therefore protested against the speech of the hon. Member for Roscommon being supposed to carry with it the assent of the House of Commons, he being entirely destitute of supporters, though he appealed to those around him, as though many were sitting near. In conclusion, he congratulated the country on having an improved Army and better hopes of prospective improvement than on any former occasion.

LORD LOVAINE said, he wished to inquire whether it was not the intention of the right hon. Secretary at War to add at least one subaltern to a company. He would remind the House that we were about to enter into a war under peculiar circumstances, to be carried on in an unhealthy climate and under uncertain auspices, and therefore it was our duty to provide for the effective officering of the troops. In this particular the French excelled us, their men being much better officered than ours. He should be glad to know the intentions of the Government on this matter.

MR. JOHN MACGREGOR said, he fully agreed with the hon. Member for Montrose (Mr. Hume) in thinking that the Government had acted wisely, and with extraordinary prudence, from the first moment of the occurrence of those lamentable disputes in the East. He also considered that the Estimates had been framed with a wise regard to economy and efficiency. He hoped that the Government would take measures to assimilate the law of England and Scotland in respect to the billeting of soldiers. As regarded Scotland, the state of the law upon the subject was most vexatious. He was not going to get up a Scotch grievance, but the billeting of troops on private houses was unknown in England, though it was unfortunately the practice in Scotland.

MR. W. WILLIAMS said, he wished, before proceeding to make any remarks upon the Estimates, to call the attention of the noble Lord (Lord J. Russell) to the great inconvenience which arose from the number of Motions that were brought on upon different subjects on Supply nights previously to going into Committee. It was impossible for the House to do its duty, and go through the Estimates with that care and deliberation which their importance deserved, when they were brought on at so late an hour—the previous portion of the evening being occupied with the discussion of four Motions, at which not forty Members were present. A few days ago two or three of the most important votes in the Naval Estimates were taken at two o'clock in the morning. He did not wish to stop hon. Gentlemen from bringing forward their Motions, but he thought they ought not to bring them forward on Supply nights, but on Wednesday, when but little business was brought on. He did not rise for the purpose of offering any opposition to the effective portion of the vote. He would concede all the men and money that were required, though he must say he heard with some regret the observation thrown out by the right hon. Secretary at War, that it was not unlikely he would come before Parliament again during the present Session with fresh Estimates. He had risen for the purpose of suggesting that if ever there was a time when no unnecessary expenditure should take place, it was now. His hon. Friend the Member for Montrose (Mr. Hume) had last year called attention to the increase of pay to the colonels of the Foot Guards, as compared with those

of the other regiments of the line. Now, no man would object to the increased pay of the Duke of Wellington as long as that illustrious soldier lived, but that was no reason why Prince Albert should enjoy such high emolument as Colonel of the Grenadier Guards, in direct violation of the recommendations which a Committee of that House had laid down upon the subject. Now, his Royal Highness Prince Albert, although holding a high rank in the army, was not a soldier, and did not profess to be, and in his (Mr. Williams's) opinion, the giving of that regiment to his Royal Highness was a violation of the principle on which the increase was granted, namely, that it should be conferred on officers as a reward for distinguished services. By the provision of 1833, adopted at the recommendation of the Committee, the pay to the colonel of the Grenadier Guards was fixed at 1,200*l.* a year; allowance for clothing the regiment, 8,949*l.* 13*s.* 6½*d.*, making together 10,149*l.* 13*s.* 6½*d.*; and assuming cost of clothing to be 7,109*l.* 11*s.*, it left an absolute remuneration to the colonel of 3,040*l.* 2*s.* 6½*d.* The colonel of the Fusilier Guards was the Duke of Cambridge, a very gallant soldier, no doubt, but he was not a soldier who had rendered distinguished services to the country, that he ought to receive increased pay, when they saw veteran officers who had served all through the Peninsular war and at Waterloo, whose only reward was their medals—some with nine or ten clasps—and their simple good service pension of 150*l.* or 200*l.* a year. Nobody would object to such a man as Lord Strafford, the colonel of the Coldstream Guards, or to the Marquis of Anglesey, receiving the highest pay and the highest honours, but it was on such men alone both ought to be conferred. The pay of the Duke of Cambridge as colonel of the Fusilier Guards was 1,000*l.* a year; allowance for clothing, 5,010*l.*; making together 6,010*l.*—the net income of the colonel being 2,135*l.* The pay of the colonel of the 2nd Regiment of Foot was 500*l.* a year; clothing, 2,186*l.*; net income, 1,080*l.* Men of high rank, whosoever they were, however exalted, ought not in the British army or navy to be permitted to elbow out the veterans who had fought and bled for their country. He looked upon it as a positive degradation that a colonel should be also the tailor of his regiment. The colonels ought to have a fixed allowance, and ought not to be allowed any tailoring

*Mr. W. Williams*

perquisites. It was humiliating to see so exalted a personage as the husband of the Sovereign making a profit of 1,800*l.* a year out of the clothes of the soldiers; it was inconsistent with the character of a soldier, and degrading to the position of a prince. Colonels of artillery received a salary of 1,000*l.* a year, without tailoring perquisites, and it was found that the clothing of the men of the artillery was obtained 16 per cent cheaper than that of the infantry and cavalry, and that the clothing was of a better description. He was happy to learn that the right hon. Gentleman the Secretary at War bore such honourable testimony to the good conduct of the British army as evidence of the increase in "the good service pay," and the great diminution in the number of punishments. The "good service pay" commenced in 1837, and during the first year the number entitled to it was 1,944 soldiers, who received a sum of 3,600*l.* It had been gradually increasing ever since, and in the present year the number of soldiers who received good service pay was 30,900, the amount of money 63,900*l.* This was a large sum of money, no doubt, but still he did not grudge it, since it improved the social condition of the soldier, and kept away the lash. He wished to ask the right hon. Secretary at War how it was that there was a charge of 12,500*l.* for encampment expenses? Was that a remnant of the Chobham expenditure? He thought there ought not to be such a charge, since the Government, in reply to a question last year, declared the vote then given was sufficient. He also wanted to know what saving had been effected in the army expenditure in consequence of the number of men on the 1st of January being 12,000 less than the number voted last year?

MR. LAING said, that without wishing to revive the discussion of the Eastern question, it was impossible not to perceive that the present Vote, involving, as it did, the number of men to be added to the army, related to the conduct of that war, and whether it was to be conducted with the energy and decision necessary to bring it to a speedy issue. Conceiving the number of 11,000 to be added to the army, and 260,000*l.* in the Estimates, by no means sufficient to effect that purpose, it was with satisfaction he heard the statement by the right hon. Gentleman with reference to a supplemental estimate by which the number might be increased. In making that statement the right hon. Gen-

tleman seemed to entertain some misgiving as to the manner in which it might be received by some parties in that House, but his (Mr. Laing's) object in rising was to show the Government, that many hon. Members, who under ordinary circumstances would scrutinize these votes with rigour, and object, with a view to economy, to any increase of the Estimates, thought, under the present circumstances, that the true economy would be to ask for such supplies as to enable Government to prosecute the war with the greatest vigour. Certain parties in that House were of opinion the war ought never to be undertaken; others thought that in its conduct the operations ought to be confined to our Navy; while a third party, and he thought by far the largest majority, were of opinion that, being once forced into a war, the proper course would be to proceed with all our energy, so as to bring it as soon as possible to a conclusion. The amount of injury which the country had already sustained by the mere apprehension of war was far greater than would have been supposed. That floating mass of property which was contained in the funds, railway securities, and such like, and which was generally estimated at 1,000,000,000*l.* sterling, had suffered a depreciation of not less than 10 per cent, being a total loss of 100,000,000*l.* He wished, instead of the criticism that had taken place on the past conduct of the Government, some substantial Motion had been proposed, on which the House might have expressed its opinion by a vote. They would thus have shown to foreign countries the unanimity of their feelings on this question; and the Government would have been able with more freedom, and with a more undivided responsibility, to take such steps as they thought necessary for bringing this war to a speedy and a successful termination.

COLONEL BLAIR said, that, in reference to the statement made with respect to the pay of colonels of the Guards, the hon. Member for Lambeth (Mr. W. Williams) could not have chosen a worse time to make such a statement than the present juncture. The colonel of the Fusilier Guards was no drawing-room soldier, but was about to proceed on foreign service. He could not sit by and hear him called a regimental tailor, and he considered it was speaking in a very derogatory manner of a Royal Prince. It was said that his Royal Highness Prince Albert was not a soldier; he (Col. Blair) had an op-

portunity of observing the internal economy of the regiment under the command of his Royal Highness, and no general officer could command it better. He understood the hon. Member to say that the Duke of Cambridge ought not to have a regiment because older officers were unemployed. He could only say, that no blame ought to be imputed to his Royal Highness, for the right hon. Gentleman the Secretary at War had proved by the Estimates that it was the wish of Government to advance junior officers in the service.

MR. W. WILLIAMS wished to explain that he did not mention the word "tailors" to impute the least disrespect. He merely described the position, and condemned the practice of placing such distinguished men in it.

MR. J. HEATHCOAT said, he wished to draw the attention of the right hon. Secretary at War to the distinction in the dress worn by the officers and privates, and he would suggest the expediency of not unnecessarily exposing our officers, through this means, to be picked off by the able marksmen of the enemy. He believed the Emperor of Russia had recently made some alteration in the dress of his officers, assimilating them to that of the troops. It was highly inexpedient that the officers should come into the field in blue, and the men in red coats. He thought they would all agree with him that everything should be done to preserve the brave men who were going abroad to lead the British army, and who left so many near and dear to them behind.

SIR DE LACY EVANS said, the right hon. Gentleman the Secretary at War had made reference to a Commission for the purpose of making promotions. He (Sir De L. Evans) thought such Commissions often led to shelving questions, and he could not conceive why the great officers of State should not take on themselves the responsibility of these promotions as heretofore. These Commissions were only devices to remove the responsibility from the shoulders of those who ought to bear it. With regard to the clothing of the troops, he thought it would be very desirable that distinctions of dress, which were a relic of antiquity, should be removed when danger might result from their continuance. The Government were sending troops to the East to serve with the French, who were much more rationally clothed. He wished the Secretary at War would take the

clothing of the troops into his own hands; it was only a question of money. He knew that the Commander-in-Chief had desired very much to make alterations in clothing, and to give frock-coats to officers who wore jackets; but one of the principal causes why nothing had been done was, because it would interfere with the arrangements between the colonels and the contractors, and diminish the profits of the colonels. If the war were to last, was it to save trouble to contractors and to save clothing, that our troops were to present such a contrast to those of our allies?

COLONEL DUNNE said, he wished to call the attention of the Secretary at War to the women and children of the troops who had embarked for the East. Every one who had witnessed the embarkation of troops for foreign service must be aware of the misery that was always presented to view upon the beach. Only four, or, at the most, six women were allowed to go with a company, and, from the facility with which commanding officers of regiments consented to marriages, which was, in reality, only a cruelty to the men, there were always accumulated a great number of women and children who could not accompany a regiment. They had no means of support, except what they derived from the subscriptions of the officers, by means of which they were sent to their different localities, where they usually fell upon the poor rates. Sometimes the women, for want of the means of subsistence, contracted vicious habits, and the children were almost invariably deprived of all means of education. This subject ought to engage the attention of Parliament, for the army would never be properly organised, and the men would never go out to fight with proper feelings, so long as they knew that their wives and children were thrown upon the world for charity during their absence. The question of the staff was also deserving the attention of the Secretary at War. Of all the armies of Europe ours had the worst staff in the field, and the reason was, because our officers had so little experience of staff duties. One of the greatest uses of the camp at Chobham was to teach our officers the nature of staff duties. In the French army, before an officer could serve upon the *état major*, he must serve by turns in the cavalry, infantry, and artillery, and then, having served in each arm of the service, and gained a knowledge of its peculiarities, he was appointed to the *état major*. But,

*Sir D. L. Evans*

except about fourteen officers who went to study at Sandhurst, but who were not appointed to staff duties any the more because they went there, we had no school of staff officers. There would be a great difficulty in any one Board at present in existence supplying clothing for the whole of the army. The general officers in command of regiments, if they were sufficiently paid, would be satisfied to give up the privilege of clothing their regiments.

MR. SIDNEY HERBERT said, he wished to state, in reply to the noble Lord (Lord Lovaine), that the question of appointing additional subaltern officers must stand over for consideration and decision. The attention of the Government had been drawn to the necessity of altering the dress of the officers, so that the officers and men might fight in coats of the same colour, and last year, when the Guards were at Chobham, the officers received instructions to be dressed in a similar manner to the men. With respect to the complaint of the hon. Member for Lambeth (Mr. Williams), as to the appointments to the household regiments, he had on a previous occasion stated that the Committee had reported that the three household regiments of cavalry should be reserved for veteran officers of distinction; but they did not recommend that such an arrangement should be insisted on with respect to the Foot Guards, the appointments to which rested with the Sovereign for the members of her family. In the case of the household cavalry regiments the recommendation of the Committee had been scrupulously followed. But with respect to the household infantry, Lord Strafford had been appointed to one of them, in consideration of his long and brilliant services. With respect to the suggestion for an equalisation of the allowances, he must observe that the three regiments did not stand on the same footing as to numerical force; and he thought the vested interests involved in the question should be respected. He thought it was due to His Royal Highness Prince Albert, to observe that he (Mr. Sidney Herbert) had occasion to make a proposal to him with respect to his regiment. It had been a matter of complaint in that House for a long time that there were a great number of supernumerary officers in the Guards, and he (Mr. Sidney Herbert) made a proposal with respect to those supernumerary officers which involved a sacrifice on the part of the colonels of the



Guards of their patronage. That proposal he submitted to His Royal Highness, who at once consented to relinquish his patronage. He thought it only due to His Royal Highness to state that circumstance.

SIR JOHN FITZGERALD said, he wished that it could be referred to a commission to inquire, among other matters, into the propriety of doing away with the rank of colonel, which was only a useless rank, and prevented an officer from arriving at the rank of general when his health and strength allowed him to serve with the greatest efficiency. He was nine years a colonel without employment, and that time was altogether lost to him. He was then made major-general. Now, would it not be much better that an officer should be promoted at once from the grade of a lieutenant-colonel to that of a major-general? They would thus have general officers in the enjoyment of all their energies. He fully agreed with those hon. Members who thought that the clothing of the army was not a proper subject of emolument to the colonels. Improvements were from time to time required in the clothing of the army, which the authorities now hesitated to make. It would be much better if it were left to the Commander-in-Chief to alter the clothing, without having to meet the views of the general officers who had regiments. He very much desired to see the cavalry regiments completed to 800 men, for it was much better to have one regiment of 800 men acting together than to have that number made up of detachments from other regiments.

VISCOUNT GODERICH said, he wished to call the attention of the Committee to the mode of education now adopted with respect to the private soldier, under which he was required to attend school only during the time when he was undergoing the preliminary drill, the consequence being, of necessity almost, that he acquired a dislike for the instruction he received there. He suggested that the soldier should not be required to attend school until after he had undergone that preliminary drill, and then that he should do little or nothing else for three or four months, an arrangement which he (Lord Goderich) thought would tend to make him appreciate the education the more at the time it was imparted, and to use it afterwards as a means of relieving the tedium of garrison duty during his subsequent service.

MR. J. G. PHILLIMORE said, in order to guard against his vote in support of the

Estimates being misconstrued, he felt it necessary to remark at that point of the discussion that, had we adopted a firm and manly tone at a much earlier period of the negotiations on the Eastern question, the same result would have happened which followed the negotiations in 1851, when our remonstrances were backed by a fleet, and the Emperor of Russia withdrew his claims.

*Vote agreed to.*

(2.) 3,923,288*l.*, Charge of Land Forces.

MR. W. WILLIAMS said, he wished to move that the emoluments of the colonels of the Grenadier Foot Guards be reduced by 2,000*l.*, and those of the colonels of the Fusileer Guards by 1,000*l.*

COLONEL LINDSAY said, the effect of the reduction proposed by the hon. Member for Lambeth would be that his Royal Highness Prince Albert, who had nearly 3,000 men under his command, would have to conduct his regiment for the same sum that would be allowed to a colonel of a regiment of the line for a single battalion.

MR. W. WILLIAMS, in reply, said, that the colonel of a regiment, whether his regiment consisted of one, two, or three battalions, performed no duty; that his office was, in fact, a sinecure, and considered as the reward for distinguished services.

*Amendment negatived.*

*Vote agreed to*, as were also,

(3.) 151,382*l.*, General Staff Officers.

(4.) 105,093*l.*, Public Departments.

(5.) 17,401*l.*, Royal Military College.

COLONEL NORTH said, he must complain of the change which had been effected of late years in the rules of this institution, by which the object of its founder was entirely defeated. The college was established by the late Duke of York for the education of the orphans of officers, but now these orphans were compelled to pay the sum of 40*l.* per annum before they could participate in the advantages of the institution. It must be obvious, when the widow of an ensign received a pension of only 36*l.* a year, and the widow of a lieutenant only 40*l.* a year, that the college was now virtually closed to that class of cadets for whose advantage the institution was specially designed by the Duke of York. He did not wish to throw the slightest blame upon the present Secretary at War, for the existing regulations were in force when that right hon. Gentleman succeeded to office. He (Colonel North) hoped, however, some mea-



tures would be adopted for enabling that class of young men for whose benefit the establishment was originally intended to receive education without any expense to their friends. A large surplus, of variable amount, had lately been derived from the college, but he was confident that, even if the arrangement he suggested caused any deficiency in the funds of the institution, such deficiency would be cheerfully supplied by that House.

MR. SIDNEY HERBERT said, that while he felt the utmost respect for the opinions of the hon. and gallant Officer, and for the feelings which dictated his suggestion, he entertained great doubt as to the propriety of providing an eleemosynary education for such a profession as the Army. He had frequent applications from the widows of officers on this subject, but he did not think a greater disservice could be done to persons in such a position than by inducing them to bring up their sons to so expensive a profession as the Army. He considered that if a person who had no private income entered the Army, he embraced a profession which was not likely to conduce to his comfort in life.

COLONEL NORTH could only say, that many of the cadets of the orphan class who were at Sandhurst at the same time with himself were at this moment among the most respectable officers in the service. He only regretted that the service should be so expensive that the orphans of our gallant soldiers were precluded from entering it.

MR. HUME said that this was, he believed, the only country where the military service was so expensive that the general community were unable to enter it with a fair chance. He thought that the Government ought to adopt means to reduce the extravagance in dress and other matters which rendered the military service so expensive. He considered that the pay of officers of the Army ought to be sufficient to maintain them, and that was the principle adopted in every other country in the world. The present state of things had arisen because the Army had heretofore been a service for men of fortune. Young men had been put into the Army who never meant to derive their livelihood from the service. It suited them very well during their younger years, and in time of peace; but when war occurred, they sold out and left the service. [*Cries of "No, no!"*] Well, some of them did. [*"No, no!"*] He hoped those hon. Gentlemen who said

*Col. North*

"No," would not differ from him on this point—that the Army was made a convenience, and that the men who actually performed the duties of professional soldiers were deprived of their fair share of emoluments and rank.

SIR GEORGE PECHELL said, he would recommend the Government to economise the expenses of the establishment at Sandhurst, which might be done without interfering with the efficiency of the institution, as by this means funds might be provided for educating the sons of such subaltern officers as died in the service of the country and left no provision for their families. There was a governor and lieutenant-governor, who were both general officers, keeping their four or five horses, at the college, and there were chaplains, sergeants, schoolmasters, riding masters, surgeons, assistant-surgeons, and other officials, all to look after about 150 boys. In fact there were about as many officers as there were boys in the institution.

MR. OTWAY said, that the Sandhurst College was not originally intended for civilians, but was designed for the education of the sons of officers. He considered it very desirable that an ensign's wife should have the satisfaction of knowing that, in case her husband died in battle, her son would be educated at the public expense. Some twelve or fifteen years ago, when he was at Sandhurst, the number of cadets of the orphan class was from thirty to forty, while it was stated that there were now only ten or twelve of that class in the college; he thought it was most desirable that some means should be adopted for extending the advantages of the institution to the orphans of officers.

MR. HUME said, he thought that the expenses of the establishment might be very considerably reduced. He found that the governor received 1,000*l.* a year, the lieutenant-governor 383*l.*, and a major-superintendent 300*l.*, for the management of a few boys.

MR. M. CHAMBERS said, he had had the happiness of being educated at Sandhurst, and he knew many distinguished officers who had been educated as orphans at that institution. He would suggest to the right hon. Secretary at War, however, that 40*l.* a year was a larger sum than the orphans of some officers were able to pay. He had been sorry to hear the Secretary at War express an opinion that Gentlemen in that position ought not to enter Her Majesty's Army. He (Mr. Chambers)

thought, on the contrary, that they were the very persons who ought to have the opportunity of entering the Army. He conceived that no class of young men were more entitled to the consideration of the State than those whose fathers had died in its service, and who were left in a position which precluded them from paying a large sum of money for their education. Sandhurst College was founded by the late Duke of York, who thought it the duty of the country to provide for the education of the orphan children of officers, and who proposed that some orphans should be educated entirely at the public expense, while others should pay a small sum for their education. He (Mr. Chambers) considered that, as the country was now on the point of war, the present was a very proper time for bringing this subject under the notice of the Committee, because it would be an inducement to persons to serve the country well and faithfully if they knew that, should they perish in the public service, the State would provide for the education of their children, who would hereafter have an opportunity of entering that service in which their fathers had gained distinguished fame. The Secretary at War had stated, however, that he did not think the army was a service which it was desirable for the orphans of officers to enter. He knew the right hon. Gentleman meant that the Army was too expensive a service for young men who had no private income. That was deeply to be regretted; but he (Mr. Chambers) was old enough to recollect the late war, and he knew many officers who had obtained their commissions in consequence of passing an examination at the Military College at Sandhurst, and he knew also that some of those officers had paid 10*l.* or 20*l.* a year, according to the rank of their fathers, while others had paid nothing, but that they had worked their own way to rank and distinction. He would suggest that, as the college was now a profitable establishment, the amounts paid by the cadets should be reduced, and regulated according to the military rank held by their fathers.

*Vote agreed to.*

The two following Votes were also *agreed to* :—

(6.) 20,756*l.*, for Royal Military Asylum, &c.

(7.) 88,000*l.*, for Volunteer Corps.

(8.) 20,500*l.*, Rewards for Distinguished Services.

MR. HUME said that, in the Committee

which had sat upstairs, the abolition of all sinecures in connection with garrison appointments had been recommended. The garrison of the Tower of London was the only one which had not been the subject of inquiry; but it was understood that, on the death of the Duke of Wellington, a complete change would take place. He wished to know why the recommendation of the Committee had not been carried out in that case?

MR. SIDNEY HERBERT said, that when he came into office he found Lord Combermere filling the position in the Tower which had been occupied by the Duke of Wellington. Since then a warrant had been signed for reducing the Tower establishment for the future, and as the places became vacant the money saved would be divided as rewards for distinguished services.

*Vote agreed to.*

(9.) 46,000*l.*, Pay of General Officers.

MR. W. WILLIAMS said, he wished to call attention to the immense number of general officers as compared with the number of regiments. He found from the last *Army List* that there were 324 general officers to 128 regiments, so that there were more than two generals and a-half to each regiment in the services.

COLONEL LINDSAY said, the hon. Member for Lambeth, in looking over the *Army List*, had taken all the general officers mentioned there, but there were many whose names were in italics, who were retired officers, and received no army pay. The number of general officers would not be more than 243 or 244, which did not, however, include those belonging to the ordnance, artillery, engineers, and marines.

MR. HUME said, the Government ought to maintain no more officers than were required for the service. The recommendations of the Committee on this point had led to no result whatever. While the Duke of Wellington was alive every alteration was met with the cry of "Oh; you must put it off, the Duke is against you;" but he recommended the Government now to look to the advice of the Committee, and bring down the officers to the number required.

*Vote agreed to.*

(10.) 49,600*l.*, Full Pay for Retired Officers.

COLONEL LINDSAY said, he would suggest that the right hon. Gentleman should remove the grievance which was

complained of by officers retiring on full pay, namely, that their promotion ceased as soon as they had retired. As the number of these officers was but small, and as the average number of years' service of the retired lieutenant-colonels was about thirty-eight, and of majors thirty-six, it was clear that much addition to the higher ranks could not be made by allowing promotion to go on. He hoped this subject would receive the attention of the Commission to which the right hon. Gentleman had alluded.

*Vote agreed to;* As was also

(11) 356,000*l.*, Half-pay and Military Allowances.

(12.) 33,671*l.*, Foreign Half-pay.

MR. HUME said, he could not avoid expressing a fear that great abuses existed in this item. One case he had heard of, in which an officer in receipt of a pension signed thirteen or fourteen half-yearly receipts, which his widow regularly handed in after his death and received the money. Personal appearance ought, he thought, to be necessary for receipt of a pension.

MR. SIDNEY HERBERT said, that great care was taken to prevent imposition, and of late years personal appearance had been insisted on.

*Vote agreed to;* as were also the two following Votes:—

(13.) 115,889*l.*, Widows' Pensions.

(14.) 75,500*l.*, Compassionate List.

(15.) 30,694*l.*, In-Pensioners of Chelsea and Kilmainham Hospitals.

MR. I. BUTT said, he begged to ask the right hon. Gentleman what steps had been taken in consequence of the Address to Her Majesty last Session relating to Kilmainham Hospital?

MR. SIDNEY HERBERT said that, in consequence of that Vote, he had thought it his duty to act upon the decision of the House, and a Royal warrant in reference to Kilmainham was being prepared. He had made several alterations in the staff there, the effect of which was, in many instances, a reduction of expense, and, in all, an increase of efficiency. The number of pensioners admitted this year had been somewhat larger than last year, and the number would be permanently kept up to 140.

MR. I. BUTT said, this management did not comply with the spirit of the Address of last Session. In 1845 the number of pensioners was fixed by Royal warrant at 200, and the discussion last Session turned upon the point whether the number

*Col. Lindsay*

was to remain at that fixed upon by that warrant. Now, the right hon. Gentleman, however, had reduced the number from 200 to 140. The Vote of last year had carried with it a very beneficial influence in Ireland, as showing that the Government were not determined to cut down institutions of benevolence merely because they were Irish, but he must say that a great deal of that influence would be done away with when the reduction proposed by the right hon. Gentleman came to be made known, particularly when the Estimate for Chelsea Hospital was increased at the very moment when that for Kilmainham was diminished.

COLONEL DUNNE said, he considered the decision of the Secretary of War was most unsatisfactory, and would have an ill effect on the recruiting in Ireland. As an income tax had been placed upon Irishmen, he thought they had at least a right to have their establishments kept up.

MR. HUME said, he would like to see both Chelsea and Kilmainham Hospitals abolished, and he believed that the pensioners would prefer having the liberty to live where they pleased. Kilmainham kept up a large staff at a most expensive rate.

MR. VANCE said, he had come to a very different conclusion. There were in Kilmainham 140 inmates, and there was a department for out-pensioners, who had their arms and accoutrements there. There was full accommodation for 250 pensioners in the establishment. He believed the hospital had a very advantageous influence in Ireland in favour of the service, and the proportion of in-door pensioners was increasing, having been only kept down by the apprehension of being turned adrift.

MR. W. WILLIAMS said, that it was stated that there were 144 pensioners in the establishment, but there were only ninety-eight old soldiers, and there were forty-six persons to look after them. There was a matron and nine nurses, an infirmary sergeant, two cooks, two assistant-cooks, two barbers, two lodge-keepers, and so on. It was all very well for Gentlemen from Ireland to wish to keep up an establishment of such importance for ninety-eight old men, when there were 63,000 out-pensioners, of whom at least 25,000 were Irishmen, living more comfortably with their families.

MR. P. O'BRIEN said, that the staff of officers to which the hon. Member for Lambeth had alluded was composed of old sol-

diers and officers who had served, and deserved well of, their country. There was a great disposition to enter this hospital on the part of men who, having served twenty or twenty-five years abroad, had lost sight of their family connections, and were therefore glad to go where they might meet with their old comrades, who were now their only friends. He hoped that they would not, just on the eve of a war, by any utilitarian proceedings in that House, repress the strong feeling which always animated Irishmen to come forward in defence of their country.

MR. HUME said, he would point out that all the officers at Kilmainham could not have served their country, because their occupations showed that they had not been soldiers; besides, some of them—the nurses, for example—were women.

MR. I. BUTT said, that there were few persons in the hospital who had not served their country well. The very nurses were widows of old soldiers who had been killed in the service. But the question was not at present as to the maintenance of the hospital. That question had been decided by that House last Session, and the decision would, doubtless, be confirmed if the question were raised again. Those who complained that there was a large staff and a small number of pensioners, made the very complaint which he did. At an expense of 500*l.* the hospital could be made capable of receiving twice the present number of pensioners, and that would tend to keep up the national spirit in Ireland [MR. W. WILLIAMS: Hear, hear!] Oh, no doubt the hon. Member for Lambeth was a better judge of those matters than the gallant commander of the forces in Ireland, or the Marquess of Anglesey. But the opinion of the people of Ireland was strongly in favour of keeping up this ancient establishment on a proper scale.

MR. SIDNEY HERBERT said, among the differences on both sides of the House, the hon. Members for Lambeth and Youghal were agreed on one point, and on that one point they were both wrong. The number was not 144, but 140; and the staff, so far from remaining the same as it was, had been gradually diminished, and was still in the process of reduction, until it was more suited to the number of the pensioners. The staff was admitted on the very same principle as the pensioners. On visiting Kilmainham last year, he found 127 or 130 men in the hospital; he had altered it to 140, but that was not reduction. It was indeed a reduction from the number

on the warrant which was made some six years ago. He had made that alteration after full consultation with the most likely authorities on the spot, and he was not disposed to reconsider it.

Vote agreed to, as were also the two following votes:—

(16.) 1,215,712*l.*, Out-Pensioners.

(17.) 38,000*l.*, Superannuation Allowances.

#### SUPPLY—NAVY ESTIMATES.

SIR JAMES GRAHAM: Sir, I shall now proceed, if the Committee pleases, with the Navy Estimates, and shall state very shortly what is the result of our calculations for the year. On a former evening the Committee consented to vote the first three items, which are the largest in point of amount. The increase in the Navy Estimates generally may be stated at 1,200,000*l.*, the increase upon the three first votes which have been already passed being 711,000*l.* It will be satisfactory to the Committee to hear that the entire sum voted for the Navy Estimates this year is by no means the largest sum which has been voted within the last ten years. I think in the year 1848-49, the entire sum voted for the Navy Estimates amounted to nearly 8,000,000*l.*; this year it is under 7,500,000*l.* At the same time, you will bear in mind that the number of men for whom provision is made in the votes which have been already passed amounts to 58,500, whereas in 1848-49, when a larger sum of money was voted than in the present year, the number of men was only 42,500, so that, this year, a less sum of money was required, and a larger number of men is provided for. The increase in the remaining votes is under 500,000*l.* Last year the Committee somewhat objected to the diminution effected in the scientific branch of the service, namely, the fifth vote, and, notwithstanding the large expenditure which it will be necessary to make with reference to the anticipation of warlike operations, I thought I should best consult the wishes of the Committee by not continuing the reduction upon the scientific branch, and this year the Committee will observe there is a very considerable increase made in the amount of the vote. I will now state the particular services in which that increase arises. In the first place, as I have already announced, in answer to a question put to me the other night by an hon. Friend of mine with reference to meteorological observations, we propose a vote of 1,000*l.* in con-



sequence of the conference which took place at Brussels. Observations have likewise been directed to be made and recorded daily in Her Majesty's ships of war; and, in concert with my right hon. Friend the President of the Board of Trade, I have arranged for the taking of similar observations in the mercantile marine. These records will be carefully kept, the statistical information will be properly digested, and I have no doubt the advantage to science will be considerable. In the second place, my noble Friend the Secretary of State for Foreign Affairs has thought it necessary to send an expedition to Central Africa for the purpose of making a survey of the river Tchadda, with the view of opening up the interior of that vast continent to our commerce, and the cost of that expedition will be 5,000*l.* It is also necessary to provide for sending a supply of provisions to the Arctic regions, both to Behring's Straits and the extremity of Wellington Sound. The Committee will probably be aware of the announcement which the Admiralty has thought it necessary to make, that, considering the little prospect there now is of the return of Sir John Franklyn and his gallant comrades, it is not intended, after the present year, to send any further expeditions upon that hopeless search; but for the present it will be necessary to make provision for the ships already employed in that distant and hazardous service. The next vote to which I will refer shows an increase of 200,000*l.* as compared with the estimates of last year. That increase is owing to the high price of provisions, and to the increased duties to be performed in the dockyards within the shortest possible time. The artificers employed in those establishments are now working extra hours, and their pay has consequently to be increased, in addition to the expense attending the employment of a larger number of additional labourers. The next increase is upon the naval stores; it amounts to 119,721*l.*, and arises chiefly from the high price paid for articles principally consumed in the dockyards, such as coal and other commodities, the consumption of which is very large. The next item to which I shall refer is an increase of 115,000*l.* upon new works. This increase principally arises from the expenditure at Keyham, in the immediate neighbourhood of the arsenal at Devonport, where a considerable sum will require to be expended in the present year. It is proposed to give a sum of 60,000*l.* to complete the two docks and basin; 45,000*l.*

*Sir James Graham*

will be requisite for the commencement of the works for the repair of steamships of war, and 10,000*l.* will be expended upon the tunnel between Devonport Dockyard and Keyham. The only remaining sum to which I shall allude is Vote 17, in which the increase is 72,000*l.*, which is connected with the Army and Ordnance, and which is the sum taken for the conveyance of troops within the year. I may state to the Committee that, upon the whole, my confident expectation is, that the entire sum which I now propose to be voted will cover the expenses of the present amount of the forces, with the exception, perhaps, of two particulars. I am not quite sure that another vote may not be necessary, under the head of No. 2—for provisions—the price of which keeps perpetually rising. I am inclined to think, also, with respect to the expenditure under Vote 17, for the conveyance of troops, that a larger sum will be necessary at a subsequent period of the Session. Now, Sir, I know not that it is necessary for me, before going into the discussion of the votes separately, to address any further observations to the Committee. I certainly do not think it expedient to make any vainglorious boast in regard to the state of preparation in which we now find ourselves; but, in justice to my predecessors, you must allow me to state that I found the affairs of the department in admirable order, all the branches in good working condition, and all the servants zealous and efficient. One great change is in progress—I mean the change caused by the application of screw power as an auxiliary to sailing power. I think it just to my predecessors to state, that the first application of this new power took place under the administration of Lord Haddington, whose secretary I see opposite. This great auxiliary principle was applied to ships of war in the face of great opposition. The principle was carried out under the authority of the Admiralty, which proceeded slowly and prudently as experiments led the way; but the officer, who is now the Surveyor of the Navy, deserves the greatest credit for the efforts he made and the timely advice which he gave, for, being confident of the excellence of the principle, he persevered till he succeeded in overcoming every opposition. My right hon. Friend the Member for Portsmouth (Sir F. Baring) is also deserving of the thanks of the country for the efforts he made while at the head of the Admiralty, to increase the efficiency of our naval forces; and I should be guilty of great injustice to the



administration of the Duke of Northumberland, if I did not say that to his Grace, acting upon the advice of Sir Baldwin Walker, we owe the application of the screw principle to a large number of ships of war. Whatever may be said, therefore, of the state of preparation in which our naval forces now are, the praise is to be distributed among my predecessors, who have introduced great and decided improvements into all the branches of that department of the public service. The result is, Sir, that without over-confidence I may assure the Committee, that I believe the British Navy will be found more efficient than ever it was before, and ready and prepared to maintain the honour and independence of the country. I now beg to move a vote of 138,467*l.* for the Admiralty Office.

CAPTAIN SCOBELL said, he thought there was no one in the nation who would be more worthy to be a permanent First Lord of the Admiralty than the right hon. Gentleman who now filled the office; but it would be well if they could divest the office of all Parliamentary influence, and apply to it the principle which was laid down in the paragraph used with respect to the dockyards—that merit, and merit only, should be the ground for advancement. He was glad to find that this rule was about to be introduced into the Civil Service, and he hoped the same alteration would soon be made with regard to the Army and Navy, for then the best talent in each of those professions would be brought forward certainly in a greater degree than it had been for the last thirty or forty years. They had 7,000 officers of all descriptions belonging to the Navy, there was about 250 or 260 admirals, and about 400 post-captains. There was no way, in his opinion, to bring the Navy into an efficient state, even in war time, but by at least reducing their active list one-half. In consequence of having so large a list, the officers were four or five years on shore for every one they were at sea; and some of the admirals, when they hoisted their flags, had been a quarter of a century on shore, and when that is the case, however able they may be, they get out of order and rusty. There were 3,000 officers on the retired list, and 1,690 admirals, captains, and lieutenants, of whom a great many would never go afloat again; and the navy list was kept crowded without any good to it whatever. He would glance at an ar-

range that was made some years ago, but in which it would be now necessary to make some alteration. It was now required that every post-captain should serve a certain number of years after he was posted, or otherwise, when he came to the head of the list, he would be put on the retired list, and would not be employed in active service. Now he thought that the whole of an officer's service should be taken into consideration. Some of those who were set aside had served much longer than the required time as midshipmen, two or three times the required period as lieutenants, and three or four times the period as commanders; but because they had not served six years as post-captains, they were not considered fit to be made admirals. Such men might have been twenty years afloat, when those who were made admirals because they had served the six years might not have been more than thirteen or fourteen years afloat. With regard to the reduction of the active list, he would remind the Committee that the French navy had only two admirals, five or six vice-admirals, and eight or ten rear-admirals, all of whom must have seen service, and must be really good officers. In the American navy there was not a single admiral, and there were very few commodores. He wished to see the Navy more efficient than it had hitherto been; but no systematic improvements could be effected when so many changes took place in the Board of Admiralty. There had been seven First Lords since 1840. He would call the attention of the Committee to another important point. They had voted that night something more than 5*l.* per man for raising 18,900 soldiers, and it was not fair or equitable not to offer an equal bounty to seamen as they did to the soldiers, and to the marines, who served with the seamen. They wanted 7,000 men for the Navy, and they should offer 5*l.* per head to come to them. The nature of the sailors was this—they were generally in want of cash, and if they told them there was ready money for them, which would enable them to put on a new suit of clothes, they were likely to accept of it. He must protest against their entering more landsmen than were necessary, for it was very seldom that a grown man could ever be made a good seaman, and they were liable to all sorts of accidents on board ship. He hoped, also, that the landsmen who were entered would not be required to be five feet six inches in height, as by taking a lower standard, they would

obtain men who did not come up to the military height, besides which it was well known that a tall man on board ship always found his head in his way. They were told they were on the verge of a war, and he dare say they were. He trusted and believed the Navy would do their duty. They never had such powerful ships, and he only hoped they would have such good crews as they had during the last war. It should be, however, observed, that the best crews did not shake into their places for some months, and they could not expect that ships would all at once be as effective as if they had been in commission for six or eight months. It required time to enable the officers to judge of them, and to put them in their places. Some remarks had been made, reflecting on the conduct of the Ambassador at Constantinople (he would leave him to take care of himself), and also on the conduct of the Admirals in command of the Black Sea fleet. Comments had been made as to why they went here and there; but they should recollect the dangers that must occur in an unknown sea of narrow dimensions, where the fleets of two nations were cruising together; and the best thing to do during the dark nights and bad weather was to do what had been done—to keep up a chain of steamers between themselves and Sebastopol, let the Russians go to sea, and then get between them and Sebastopol and stop them. Some of the Gentlemen who commented upon those matters had never seen a gale of wind. With respect to the Baltic, he had served there three years, and had been at the blockade of Cronstadt. At that time they were at war with Denmark, Sweden, and Russia. The enemy managed to get in, and all they could do was to blockade them. Whether their screws would do more he could not say, but at all events they kept the enemy in, and they never attempted to get out. He hoped for more decided results, however, both in the Black Sea and in the Baltic.

SIR HENRY WILLOUGHBY said, he wished to address the Committee in reference to the affair at Sinope.

The CHAIRMAN said, that it would be irregular to submit a Motion of that subject on the question of a Vote for the expenses of the Admiralty Office.

Sir HENRY WILLOUGHBY said, that in that case he would bring the subject forward on the Motion for going into Committee on a future occasion. His object in wishing to discuss that subject now was

*Captain Scobell*

that he wished to avoid a general discussion of their Eastern policy.

MR. HUME said, this was a question of great importance, because it was just possible that there might be a difficulty for the future in obtaining seamen. Good seamen were scarce, and he hoped Government would not hesitate, if it should be found necessary, to increase the pay of the sailor, who was required for the service of his country. Whilst every class of labourers and artisans were receiving an advance in their wages, it was only right the Navy should participate in the rise; and he trusted there would be some attention paid to this point by the department whose especial duty it should be to look after it. True, a great improvement had taken place in the quantity and quality of the accommodation provided for men who entered the Navy, and he had no doubt that if the same spirit of liberality were extended to the pay, but little difficulty would be found in securing an ample and efficient number of volunteers for the future requirements of the Navy.

SIR JAMES GRAHAM said, that some short time back the House had consented to a considerable increase in the pay of the sailor, and also that the Board of Admiralty had reconsidered the question of secondary punishments, and the result had been that they had thought it desirable to mitigate their severity, and he was glad to be able to state that crime was on the decrease. The result of the endeavour to raise additional seamen had been most satisfactory. Notwithstanding the general rise in seamen's wages, and the emigration from all parts of the United Kingdom, the royal service had become so popular that since November, 1852, 7,000 additional seamen and 1,800 marines had been entered, showing that there was no necessity at the present time for any bounty. The hon. and gallant Member (Captain Scobell) was in error in supposing a bounty of 5*l.* would only involve the sum of 85,000*l.* for the 7,000 fresh volunteers. By a just law the Admiralty would be bound to give the same bounty to the seamen already entered, and that would amount to at least 200,000*l.* The spirit of the seafaring population was above all praise, and, as a proof of the alacrity with which the men came forward, he was happy to say they had in the month of February entered no less than 900 men by voluntary enlistment alone, and volunteers were still coming in as quickly as they could desire.

SIR GEORGE PECHELL said he fully

agreed with the right hon. Gentleman (Sir J. Graham) that there was no fear of any want of seamen, neither did there appear any necessity for giving a bounty to induce seamen to enter. They had waited to see if the Emperor of Russia was really in earnest, and now that they saw a good chance of active service, they had come forward. He was glad that the experiment of calling the coast guard men into service had been successful, and he thought that that circumstance might lead to defects being pointed out which ought not to exist. It was intended when the coast-guard service was established that it should consist of sailors who received good characters from ships just paid off; but he feared that there were at present men in that force who did not even know how to sling their hammocks. He had the strongest hope, and, indeed, he firmly believed, that in the impending struggle the ships and seamen of this country would do their duty, for there was no period in the former history of the country at which its Navy was in such an efficient condition. With regard to the injustice of placing post-captains who had not been six years at sea, when they came to the head of their list, on what was called the reserved list, and not upon the list for active service as admirals, the subject had been fully discussed in the other House of Parliament, though he had not observed it stated that sometimes the captains got better situations, and did not apply for any appointment to ships in commission. It was a great advantage to the service that such strenuous attempts had been made to abolish corporal punishment, and, indeed, at the present day, any officer whose books showed that a very great amount of punishment had been inflicted on board his ship would suffer in his future career. The First Lord of the Admiralty had given them reason to believe all the ships would be required to perform services in the Baltic and Black Sea, but he hoped some attention would be paid to the suppression of the slave trade, which could only be done effectually by a blockade of the coast of Cuba. He hoped the Admiralty had taken such precautions as to leave a sufficient number of ships for the purpose, for he observed the present captain general of Cuba was determined to prevent the importation of slaves—

LORD JOHN MANNERS rose to order. The Chairman had prevented the hon. Member for Evesham (Sir H. Willoughby)

discussing the affair at Sinope. Surely the slave trade of Cuba was quite as irregular.

The CHAIRMAN said, the hon. and gallant Member for Brighton was connecting it with the administration of the Admiralty.

SIR GEORGE PECHELL said, he considered the interruption of the noble Lord very unnecessary, and really thought the hon. Baronet (Sir H. Willoughby) might have discussed the dreadful catastrophe at Sinope, as the Admiralty had sent a fleet to the neighbourhood, without appealing to the Chairman at all on the matter. Perhaps some discussion of that subject would have been of advantage in preventing the recurrence of so great a calamity. It was satisfactory to find that the screw propeller was now to be applied to all the vessels of the Royal Navy. He hoped the right hon. Gentleman (Sir J. Graham) would not forget the subject of the freight-money receivable by officers in the Navy. He wished to ask the right hon. Gentleman whether that valuable article, marine glue, so useful in the construction of the masts of line-of-battle ships and of the larger class of vessels generally, was still made use of in the Navy? This glue also enabled them to get rid of the process of caulking, and the use of pitch on board of our vessels, which, in tropical climates, was a very offensive nuisance.

SIR JAMES GRAHAM said, he would begin first with the glue. He had the greatest pleasure in telling the hon. and gallant Member that, so far from the use of that article being discontinued in the Navy, it still proved a very efficacious and excellent material, which was used very largely, and effected a great saving to the public. The practice with regard to freight-money, to which the hon. and gallant Member referred, had been superseded in a great degree by the course of events; and he was not aware that any instance of it had occurred for a considerable period. There was another observation of the hon. and gallant Gentleman, which he could not allow to pass unnoticed. It would be very undesirable that it should be supposed in Africa and Cuba that, on account of the naval exertions this country was called on to make, we had the least intention of relaxing our efforts in suppressing the slave trade. He (Sir J. Graham) had great pleasure in informing the Committee that he had not withdrawn from the African station a single ship, and he had no intention to do so. The flagship would be replaced by a most efficient screw steamer; and the

directions of the Admiral were to keep a close watch, the earnest resolution of the Government being, that the efforts and vigilance of the squadron in suppressing the slave trade should not undergo any diminution.

MR. W. WILLIAMS said, he gave the right hon. Baronet credit for not having increased the number of clerks in the dock-yards, notwithstanding the great increase of labour which had taken place in those yards, but he could not help calling the attention of the Committee to the fact that there were no less than 243 clerks employed in the Admiralty, and sixty-seven messengers, being one messenger for every four clerks. That was monstrous.

LORD DUDLEY STUART said, he must express his regret that the Chairman had decided against hearing the hon. Member for Evesham (Sir H. Willoughby) on the subject of Sinope. He thought the hon. Baronet was in order in referring to that disastrous affair, especially as they were about to vote money to pay the salaries of the servants of the Board of Admiralty; but he bowed to the decision of the Chair. He did not think there would have been any objection to such a discussion after the patriotic speech of the noble Lord, which was worthy of a Minister of that great country, and of the leader of that House—not shrinking from stigmatising the Emperor of Russia in terms that were deserved—and followed as he was, in the same spirit, by his noble Friend the Secretary for the Home Department. After hearing these speeches with reference to the prosecution of the war, in a manly, vigorous style, worthy of the country, he was willing to give the Government his most earnest, cheerful, and decided support. While he was on his legs, he would like to put it to the First Lord of the Admiralty whether it would not be desirable, in order to make the naval service more popular, to abolish the practice of impressment.

MR. LAING said, he wished to know from the right hon. Baronet whether there was any truth in the rumour that our sailors were to be armed with Colt's revolvers? Having seen it stated that the Russian sailors on board the fleet in the Black Sea were armed with these weapons, he believed it would be very satisfactory to the country to feel that our sailors were no less efficiently equipped.

SIR JAMES GRAHAM said, that there was no intention on the part of the Ad-

*Sir J. Graham*

miralty to supply Her Majesty's ships with Colt's revolvers, neither did he think that British sailors would require them.

*Vote agreed to.*

House resumed.

#### COLONIAL CLERGY DISABILITIES BILL.

THE SOLICITOR GENERAL, in moving for leave to bring in a Bill to relieve the colonial clergy from certain disabilities, said, he should confine himself at that late hour to a very brief statement of the object of the measure, of the way in which it was proposed to attain it, and of the reasons which made it necessary that some such measure should be passed. There was at present a great deal of doubt as to the legality of the colonial clergy meeting together for the purpose of agreeing, either among themselves or in conjunction with the lay members of the Church, upon any regulations or arrangements which might be necessary for the conduct of their ecclesiastical affairs. Hon. Members who were present at the discussion of the questions that took place in the preceding Parliament would remember that disability arose—or was supposed, and he thought justly, to arise—out of a Statute passed in the reign of King Henry VIII., and which prohibited the clergy from meeting together for the purpose of making any order, canon, or constitution, without being summoned for that purpose by the King. That Statute had become part of the supremacy of the Crown, and as the supremacy was held to extend over the whole country as well as to any foreign possession, there was very good reason, he thought, for the apprehension that the colonial clergy—carrying with them, as they did, the obligation of obedience to that Statute—would be acting in violation of the law if they attempted any meeting, either by themselves or jointly with the laity, for the purpose of making any ecclesiastical regulation or arrangement. The effect of this disability was to press very hardly on the clergy, and to place the Church of England in the Colonies in a position very far inferior to the freedom possessed by religious bodies of every other denomination. It became abundantly necessary, therefore, that some step should be taken, not for making any Church establishment in the Colonies, but for giving to the Church of England there the same freedom which was enjoyed by other communions. It was unfair to place the clergy in a position of inferiority to other religious bodies in countries where



they had not the same tribunals to appeal to which were available to their brethren in this country; and it was necessary that the disability should be removed, because in the present state of things it was impossible to have the mutual relations between the clergy and their bishops defined and carried out. The result was, that the bishop exercised despotic power; and he might deprive a clergyman of his licence, and, with his licence, of the stipend which he received from the Colonial Legislature—taking away from him his whole ecclesiastical and clerical status, and, in fact, depriving him altogether of his privileges, without his having any opportunity of appeal. The bishops were reluctant to exercise this power; the clergy felt themselves oppressed by the existence of a power which was not regulated by a legal check; and it had been very generally felt, on a variety of occasions, that some legislation on this particular subject was necessary. The difficulty in legislating appeared to be to confine the Bill to the mere object of removing the disability, without proceeding by implication to do what he believed would be very generally deprecated, giving the clergy and laity the power, when assembled, to make laws; or imparting to any regulations on which they might agree the force of an Imperial enactment. In the Bill which he had prepared he had endeavoured to collect what he believed to be the prevailing sentiment on both sides of the House; for he had found, on both sides, a concurrent expression of opinion that it was absolutely necessary that there should be legislative interference, but that it should be expressly confined to conferring upon the Church a liberty correspondent with that enjoyed by other religious sects. To that purpose it was strictly limited; and, therefore, while it took away from the clergy, while in the Colonies and doing spiritual duty there, the disability to meet, either by themselves or with their lay brethren, for the purpose of dealing with their ecclesiastical affairs, it was careful to provide that no authority should be conferred, or derived by implication from the Statute which could give to any regulations made at any of these meetings any binding force, unless, indeed, they were confirmed by an Act of the Colonial Legislature. These were the general features of the Bill, which he hoped would meet with the assent of both sides of the House.

MR. HENLEY said, that he would not

oppose the introduction of the Bill, but he must reserve to himself the right of judging of the measure when the Bill was printed. He was afraid that it might be open to the objection that it did little else than relieve the clergy in the Colonies from the supremacy of the Crown.

MR. J. G. PHILLIMORE said, that the measure would not abolish the supremacy of the Crown, but would merely place the Church of England in the Colonies in the same position as other religious bodies. It was a melancholy thing that this boon should have come so late, but he thanked the Government for having taken up a question with which all previous Governments had been unable or unwilling to grapple.

THE SOLICITOR GENERAL said, that there was no more reason to fear that by this measure the clergy would be relieved from the supremacy of the Crown than from their obedience to the laws of England.

Leave given.

Bill *ordered* to be brought in by Mr. Solicitor General, Mr. Chancellor of the Exchequer, and Mr. Peel.

Bill read 1<sup>o</sup>.

The House adjourned at a quarter after One o'clock till *Monday* next.

## HOUSE OF LORDS,

*Monday, February 27, 1854.*

MINUTES.] PUBLIC BILLS.—1<sup>st</sup> Second Common Law Procedure (1854).

2<sup>d</sup> County Court Extension Act Explanation.

## RUSSIA AND THE PORTE—

### RUSSIAN NAVAL MOVEMENTS.

THE EARL OF ELLENBOROUGH: My Lords, I wish to put a question to my noble Friend at the head of Her Majesty's Government, with reference to a circumstance which came to my knowledge yesterday. It appears that a general order has been issued from St. Petersburg for the preparation for sea of twelve frigates and corvettes on the breaking up of the ice. The question I have to put is, whether Her Majesty's Ministers intend, if they can, to prevent those frigates and corvettes from leaving the Baltic? It is impossible to entertain the smallest doubt that the intention of Russia with respect to these twelve ships of war is to send them out of the Baltic before our ships arrive at the entrance to the Categat. If they leave the Categat and reach the entrance of the



North Sea, the Naze of Norway, before the 21st March, they may take a northern passage, round by Scotland and Ireland; and before five weeks have elapsed from this time, the tranquillity which has lasted so long at Lloyd's may be suddenly disturbed by the notification of the capture of unsuspecting British merchantmen in the chops of the Channel or to the north of Ireland, and the feelings of all England may be distracted by the capture of British artillery in sailing vessels, without convoys, by Russian men-of-war on their voyage to the Mediterranean. I infer that this is the destination of those ships from circumstances which I shall mention. There are not less than eleven Russian men-of-war that I know of distributed in different positions on foreign stations. A frigate and a brig are at Manilla, flanking the whole of the China trade; and we have only a 50-gun ship—which was lately in a state of mutiny, I am sorry to say—at Hong Kong—though that I know would not prevent them from fighting should it be found necessary. There is a Russian 60-gun frigate off Australia, where we have only a 26-gun frigate, which is ordered to be relieved by another frigate of the same power. The whole of the Australian trade will, therefore, be at the mercy of that Russian man-of-war. At Rio there is a 44-gun frigate, the *Aurora*, which we, in the exercise of a generous hospitality, recently repaired at Portsmouth, at a time when our artificers were required for constructing or repairing ships for our own purposes. That vessel is now at Rio; and I believe the whole number of guns which we have now at that station is not equal to the number of guns mounted by that one ship alone. There is also at Madeira a schooner, heavily armed. Two heavy frigates were seen on the 9th November off Cape de Verde, and from the direction they were steering, and from the circumstance of our not having heard of them since, my impression is, that these frigates have gone round Cape Horn. Again, in the Adriatic, there are three Russian frigates, in an Austrian port, fomenting a Greek insurrection. All these vessels are unwatched, and may all pounce upon our trade in different parts of the world. The Emperor of Russia is at perfect liberty to give orders to that effect, because he is perfectly entitled to assume that what we have done amounts to war, if he so pleases. We may take it as war or not, as we please, but it is war, and

*The Earl of Ellenborough*

justifies him in giving instructions to the commanders of these vessels to act accordingly. The ships in the Baltic, to which I have alluded, may be met with an equal or a superior force, to keep them out of the Categat; but if they are not prevented from leaving the Categat three times the number will not be sufficient to protect our trade; and therefore it becomes a matter of absolute urgency that Her Majesty's Ministers should make up their minds as to what they mean to do on this subject. The orders should be given immediately; not a day or an hour should be lost. It will not do to issue instructions to each ship which may be sent to the Categat at an interval of three or four weeks, to intimate to each Russian ship that may be met with, that she must go back to her own port, or come into an English port. The sending of such a message might embarrass extremely all the operations of the English vessel, for at the very time she is sending a boat, perhaps she ought to be firing her guns double-shotted, and thus her movements may be materially impeded. I trust, therefore, that that course will not be adopted. I conclude that it can never be considered possible to attack without notice; and therefore I conclude that notice must be given to the Emperor of Russia as to the intention which we entertain; and as these vessels may be at the mouth of the Categat before ours may meet them, in three weeks, not an hour or a day ought to be lost in giving that notice. And, therefore, I ask my noble Friend if Her Majesty's Government are prepared to prevent these frigates and corvettes from leaving the Baltic?

THE EARL OF ABERDEEN: My Lords, I think my noble Friend who has been accustomed to conduct and regulate military operations of great importance, can scarcely expect me to give him an answer to this question. I think I might hope that my noble Friend would give Her Majesty's Government credit for possessing in some degree the activity and watchfulness which belongs to himself. My Lords, I am not inclined to give an answer to this question—an answer which can only be useful to the Power against whom it is desired that our movements should be directed. And, my Lords, henceforth, I beg to say that I shall consider it my duty to answer no question respecting prospective military or naval operations of this description. My noble Friend has, with more or less accu-

racy, described the position of the Russian naval force in different parts of the world; but he has made one grievous error in his description, in saying that they are unwatched. Further than this I do not think it necessary to enter into the question; I decline to give an answer to the question asked by my noble Friend; and I trust, under the circumstances, the House will see and feel the propriety of the course which I take.

**THE EARL OF ELLENBOROUGH:** My Lords, I contend that I am not justified in giving Her Majesty's Ministers credit for activity and watchfulness in this matter. For anything that can be drawn from within the four corners of a book on political economy or finance I may give them credit, and I believe they would generally, in this respect, propose measures which to a great extent would obtain my confidence and support; but as a war Ministry they are as yet utterly untried; and when I see that they are not aware of the value of time, which in war is almost everything—when I see they have postponed for two or three months the most necessary and essential preparations—preparations absolutely required for success, and even for the protection of the coasts of England—when I see that the military and naval forces they propose to employ are utterly inadequate—believing that it is discreditable to enter on a war with the peace establishment scarcely increased—and when I see them endeavouring to persuade themselves that that is a little war which is one of the greatest in which we have ever been engaged—I say, my Lords, that having these impressions with respect to the past conduct of Her Majesty's Ministers in reference to this war, I cannot give them credit either for watchfulness or for activity. I shall be most happy, indeed, if my forebodings should not be realised, and if those who have shown, to a great extent, abilities for the conduct of our affairs in peace, should exhibit similar qualifications for the conduct of war.

**THE MARQUESS OF LANSDOWNE:** My Lords, there is one point on which I concur with the noble Earl: I agree with him in what he has stated on this and a former evening—that this war—which I am afraid I must describe as an immediately impending war—is not a little war, and cannot be considered a little war. But that which I most distinctly deny is, that Her Majesty's Government have ever looked at the war, for a moment, in the light of a little war; and if the noble Earl knew more than he

appears to know of the preparations that have been made to meet that war, and the manner in which those preparations have been conducted—and which, so far as there is any evidence before the public, have been exhibited in the magnificent fleets now preparing to sail, and the admirable army now preparing to be sent out—he would see that all the evidence is in favour of the watchfulness, the foresight, and the determination of Her Majesty's Government. And when the noble Earl comes to look into these particulars, I am confident he will have the candour to own that these preparations are such as are calculated to be effectual, and that they will afford sufficient proof, not only in the particular details which he has brought under the consideration of the House, but in every particular spreading over every portion of the globe, of the watchfulness of the Queen's Government. But let me add that it would take away a great deal from the merit and from the effect of that watchfulness, if, having been watchful, they were to announce the details of that watchfulness to the public and to this House—even upon a question propounded by the noble Earl—in such a manner as to add nothing to the effect of that watchfulness, but to betray it in its details to the enemy.

**THE EARL OF ELLENBOROUGH:** Let me say one single word as to the example just adduced by the noble Marquess of the foresight and watchfulness on the part of the Government. The noble Marquess has particularly adverted to the "magnificent fleet" now in preparation. That fleet, my Lords, consists, I believe, of eighteen line-of-battle ships, out of which eighteen vessels seven only have ever been at sea; and I do say that that state of things, with the chance of their being engaged with the enemy in a fortnight or less—eleven untried ships, with eleven untried crews—is not a proof either of foresight or of watchfulness. It was precisely to that very point that I was adverting; because I do think the state of the negotiations in the early part of November was such, that the Government should have commenced to make all the preparations which they commenced two or three months later, and then they would have had such a fleet as we were accustomed to conquer with—a fleet which had been at sea, and one in which all the officers knew the men, and in which there was such a degree of discipline and experience as to give a certainty of success.

**THE EARL OF WICKLOW** said, the allegation against the Government was, that they were sending out ships which had not had an opportunity of being engaged, and with new and untried crews. Now, how it was possible after forty years of peace to have such experience and discipline as the noble Earl looked for he could not understand.

**SECOND COMMON LAW PROCEDURE  
(1854) BILL.**

**THE LORD CHANCELLOR** said, that he now proposed to lay on the table a Bill for further amending the Proceedings in the Courts of Common Law. He would call their Lordships' attention as briefly as he could to the case with which he meant to deal; and in doing so, he felt that a difficult task was imposed upon him, for he was fully aware of the difficulty he must experience in attempting to divert their notice from exciting political topics to a subject so very dry, and containing so much matter of mere legal and technical detail. But as he felt that that duty was imposed upon him, he should endeavour to discharge it to the best of his ability. Their Lordships were aware that in the summer of the year 1850 Lord Cottenham, shortly before he resigned the Great Seal, issued a commission to several distinguished members of the bar—among whom were the present Chief Justice of the Common Pleas, Mr. Baron Martin, and the present Attorney General—in order that they might investigate and report upon the best mode of reforming and simplifying proceedings in actions at common law. Those gentlemen made their first report about the close of the year 1851; and the consequence of that report was the passing of an Act of Parliament in the following Session which tended very materially to improve the course of proceeding in those actions. The report in question related principally to that stage of actions which precedes the trial—namely, the course of pleading and certain interlocutory proceedings which must take place in every case before trial; and the object of the Commissioners had been to get rid, as much as possible, of everything merely technical, and to place the mode of procedure on the simplest footing. One main subject to which they directed their attention was that which was popularly called "special pleading." Against special pleading there existed, he believed, a most unfounded prejudice in the minds of the public, in consequence of a misapprehension of what

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it really meant. Special pleading, when not abused, afforded the best machinery that could be invented for rendering proceedings at law simple and inexpensive. Its object was to compel litigants to bring their disputes to the simplest and shortest issue, on which the case went to trial. Such was the simple object of special pleading; and, though it had no doubt been subjected to very considerable abuse, in its main features it had been an eminently useful instrument in the administration of justice. In proof of that statement, he need only to refer to a comparison of the number of appeals which had been entered for hearing before their Lordships in the present Session from England and Ireland, where pleading was carefully practised, as compared with the number entered from Scotland, where pleading was unknown, or was very loosely conducted. He had looked over the list of appeals from different parts of the Kingdom during the present Session, and he found that there had been only four appeals entered from Ireland with a population of 7,000,000 or 8,000,000, that there had been only eleven entered from England with a population of 12,000,000 or 13,000,000, while there had been thirty-eight entered from Scotland with a population of 2,000,000 or 3,000,000. He could not help thinking that those facts afforded ground for supposing that the system of special pleading practised in this country and in Ireland, though it had some disadvantages, and occasionally appeared and really was too technical, must be attended with some considerable advantages over those looser modes of proceeding which, to the minds of some, appeared more consistent with convenience and justice. The Commissioners had recommended a great many improvements in that system; but he was happy to know that their inquiries had led them to think that it ought not to be altogether abolished, but that, with great amendments, it ought to be retained. An Act of Parliament had been passed in conformity with their recommendations, and he believed the Judges were prepared to testify that that Act had worked very successfully, and had been attended with as few difficulties and as little disappointment as could possibly be expected. He had said that that first report had been confined for the most part to the question of special pleading and the earlier stages of actions at law. But the Commissioners afterwards proceeded to consider whether any and what amendments could be safely

and properly made in the trial itself. That was the main subject of their second report, which they had produced on the 30th of April last year. He had immediately, on receiving that report, directed that a Bill should be framed, founded upon their recommendations; but as that Bill could not be framed until an advanced period of the Session, and until a time when his noble and learned Friend the Chief Justice of the Court of Queen's Bench was absent from town on circuit with the other Judges, he was then unable to proceed further with the measure than to have the Bill printed and laid upon the table of the House. He had caused the Bill to be sent to the Judges for the purpose of obtaining their opinion of its provisions; and he believed he might say that almost all of them approved of its general outlines. He confessed that he could not himself accede to all the suggestions of the Commissioners, but he had adopted them as far as he thought advisable in the measure which he proposed to introduce that evening. He would now sketch out to their Lordships what the Commissioners recommended, and what he had thought right to adopt. The first great change which the Commissioners recommended was one which, he had no doubt, would startle many persons, but to which he had, to a great extent, become a convert, though he owned that he could not but look upon it with some degree of apprehension. Their Lordships were aware that in civil as well as in criminal proceedings in this country, questions of disputed facts were tried by a jury; and so much was that practice interwoven with our system of judicature, that we had in England little notion of any mode of trial except trial by jury. He believed he could acquit himself of any of the ordinary—he was going to say clap-trap—admiration of trial by jury; but at the same time he thought that trial by jury, as it was conducted in this country, afforded one of the best means for arriving at truth that had ever yet been invented. When they spoke of trial by jury, it should always be understood that they spoke of trial by a jury presided over and guided by a judge. The consequence of that system was, that while questions of simple fact were submitted to men not lawyers, they were submitted to them under the direction and guidance of one who was eminently a lawyer, and who had long been in the habit of looking at facts from a legal point of view. He believed that, on the whole, the result of that system was to ensure the triumph of truth better than

it could be ensured under any other mode of proceeding. He knew it was thought that juries often gave wrong verdicts, and no doubt they did; but was it to be supposed that judges would not give wrong verdicts? Everybody was necessarily liable to error. He did not know whether the experience of his noble and learned Friends was in conformity with his own, but he could most conscientiously state to their Lordships, that during the eleven years he had had the honour of acting as a common law Judge, and during which he had, of course, frequently had occasion to preside at trials, it had very often happened to him that after having thought at first that a jury had returned a wrong verdict, he had, on further reflection, been led to think that the jury had been right. That had not, however, as might naturally be supposed, always been the case, and he had sometimes persisted in his original impression. But he thought it was worthy of observation, that it was not certain that juries were wrong merely because judges considered that they were so. One great advantage in a trial by jury was this, that as it was a natural tendency of the minds of persons who, as lawyers, had been professionally educated to look upon questions submitted to their consideration in a purely professional point of view, they had their notions on these questions corrected by persons who looked at them from a different point of view; and he was afraid, if they were to get rid of juries altogether, the result would be that the conclusions which would be arrived at by means of professional men would not be so consistent with common sense as the conclusions they had hitherto obtained by means of non-professional men. At the same time he was not surprised to find that one of the first recommendations of the Commissioners was that they should, to some extent, get rid of trial by jury; for there were, no doubt, many cases in which a jury presented a cumbrous and inconvenient machinery for arriving at the truth. What the Commissioners recommended was, that whenever both the litigants wished that the matter of fact which was in dispute between them should be decided by a judge without a jury, it should be in their power to have it so decided. In the Bill which he had prepared last Session he had adopted that recommendation of the Commissioners without any modification. But at present he doubted whether it would be wise on their parts, when they were making a great change—and a greater change than taking



away the trial of facts from a jury and giving it to a judge could hardly be conceived—so long as they were going in a right direction, he doubted whether it would not be wiser to proceed by steps such as persons of ardent temperament might think too slow. What he proposed in the present Bill was, that whenever both the parties wished that a matter of fact should be tried by a judge and not by a jury, it should be so tried if the Court in which the action is brought, or any judge of that Court thought fit, either from a consideration of the particular nature of the case, or in consequence of certain general rules of classification, to be framed by the Judges, which should guide them on such occasions. He did not think they ought to begin by compelling the Judges to undertake the duty of trying particular classes of cases, and assessing the damages, such, for instance, as an action for criminal conversation, or where a father brought an action for the seduction of his daughter. In his opinion it was not desirable that that duty of trying such cases by himself should be imposed as a necessity on a Judge until they had had some trial of the system. There was certainly one advantage in the existing system—namely, that it did not give the litigants an opportunity of complaining that they had not been treated impartially, for it was well known that juries were chosen at what might be considered hap-hazard; but the same rule would not apply where the case was decided by an individual. He might be wrong, but he thought it would be safer to adopt the recommendation of the Commissioners with the limitation which he proposed; and if experience showed that it worked well, they might then very easily extend the application of the principle. He was well aware that there was no such limitation in the county courts, where the Judge always decided on questions of fact, unless the parties wished it to be tried by a jury, which they very rarely did; but he did not think that the rule which they adopted with respect to the cases which came before the county court Judges ought necessarily to be enforced with respect to those larger questions which came before the superior court Judges. He did not think it safe to say that whatever answered in the county courts would necessarily answer in the superior courts; and, indeed, with regard to many cases for personal damages, they could derive no suggestion from the county courts, because of actions for slander, libel, and such as those he had

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mentioned, they had no cognisance. For these reasons it was his intention to propose, in the first instance, that trials by the Judges should be limited in the mode which he had suggested. There was another circumstance connected with these trials which he regarded as presenting a great anomaly, and to which he deemed it to be his duty to endeavour to apply some remedy. There were many cases in which the issue to be tried was based solely upon a matter of account, and in which, after a great deal of expense had been occasioned to the parties to the action, the Judge found it necessary to order the question to be referred to arbitration. Now the Commissioners recommended that, with a view to saving both time and money, great facilities should be given to litigants to refer their case for decision to an accountant, or some other referee competent to settle the matter, without going before a court, or subjecting themselves to the expense which must be consequent upon the present mode of proceeding. The Commissioners suggested that a person or persons, selected by the parties to such actions, some officer of the court, or, what would be useful indeed, a county court Judge, might advantageously be appointed as arbitrator, who should make a report upon the question on which the court could act;—and this course the Commissioners thought would be likely to give the most general satisfaction. He (the Lord Chancellor) entirely concurred in the wisdom of that suggestion, and he trusted it would meet with their Lordships' approbation. These, then, were the two first recommendations which had been made by the Commissioners; but, anticipating, of course, as was but reasonable, that many cases would still remain to be tried by juries, even after these recommendations had been adopted, they had proceeded to recommend a number of improvements in that mode of procedure, and he had not hesitated to adopt many of those recommendations. Their Lordships were aware of the distinction between common and special juries. One of the changes which the Commissioners suggested in connection with the subject of trials by jury, was one which related to the admixture of common and special jurors. They had proposed that the qualification of the juror should be in some degree raised, and inasmuch as common juries were not in general selected from a class as intelligent as could be desired, that the panel from which the jurors were to be selected, should include persons whose



names appeared not only upon the common, but also persons whose names were entered upon the special list. Such a course would secure the object of having men on the jury who would bring knowledge of a superior order, while others would bring a knowledge of modes of life which the upper classes could not be aware of; and this admixture would, in his opinion, be productive of no inconsiderable advantage. Now the jury having been assembled, the Commissioners proceeded to state the alterations which they deemed it desirable to introduce in the mode of proceeding before them at the trial. In the present mode of proceeding the counsel for the plaintiff opened his case by stating what it was he proposed to prove, and making such observations as he thought would benefit his client, and witnesses were then called to establish the statements thus put forward. In the same manner the counsel for the defendant went through his case, and called witnesses, or did not call any, as he thought proper. If the counsel for the defendant did not deem it expedient to bring forward any witnesses, then the matter ended, so far as the argument upon the question was concerned, with his statement; but if, upon the other hand, testimony was adduced to establish his case, then the counsel for the plaintiff had a right, after the close of the evidence, to reply. That mode of proceeding was, in his (the Lord Chancellor's) opinion, liable to some objection; because it often happened in the most honestly conducted cases, that when the counsel for the plaintiff had set forth what he was instructed could in evidence be established, and had adduced that evidence, the witnesses did not exactly bear out the opening statement of the counsel; and then it might be in the power of an adroit counsel for the defence to point out some discrepancy in the testimony, and, by calling no witnesses upon the part of his client, to preclude the opposing counsel from having an opportunity of reconciling contradictions, for which he might very easily and very satisfactorily have it in his power to account. Now, the Commissioners, in order to afford a remedy for such a state of things had, he thought, very wisely, recommended that at the close of the plaintiff's case, the defendant's counsel should be called upon to state whether he intended to adduce any evidence, and if he replied in the negative, then that the plaintiff's counsel should be permitted at the close of the

examination of his own witnesses to address the jury a second time. One of the objections which might be urged against the adoption of such a course was that it would occasion an additional consumption of time. If justice required it time must be found; but he believed that the objection was one which was not entitled to very great weight, inasmuch as the plaintiff's counsel, knowing that in any case he would have an opportunity of addressing the jury a second time, would be inclined, even as a matter of strategy, to defer to the close of the examination of his own witnesses the greater portion of the observations which he might feel himself called upon to make. Several other suggestions had been made by the Commissioners in connection with the subject of trial by jury in general, which were of a character too technical to render it desirable that he should bring them under their Lordships' notice at length. There were, however, some further recommendations of the Commissioners with respect to which he wished to enter into a brief explanation. They were of a somewhat striking nature, and would, he had no doubt, meet their Lordships' approbation. They had proposed to get rid of one or two anomalies which existed in the present system of jurisprudence, and which had been found to interfere very much with the administration of substantial justice. There was a rule in law, not altogether unfounded in good sense, which compelled the party who gave a written document in evidence to bring forward the witness also by whom that document had been attested, if his testimony could be procured. The foundation of the rule was based upon the principle that it was desirable that the person who had been present at the execution of an instrument should, if possible, be brought forward to give evidence as to what passed at the time, and to establish clearly by the corroboration which his testimony must undoubtedly afford the *bond fide* nature of the document. The Commissioners, therefore, proposed to abolish the rule in question, which was one which had evidently been productive of very great expense, except in cases in which the validity of the document itself depended upon its having been executed in the presence of witnesses. There were a number of other suggestions made in connection with the subject of discrediting a party's own witnesses, which the Commissioners produced to reduce under the rules of common sense, but with the details of which he should not trouble

their Lordships upon that occasion. He should next advert to another question of some importance, upon which he felt bound to offer a few remarks to the House. Their Lordships were aware that in the case of a verdict, perfect unanimity was, under our present system, required upon the part of all the jurors engaged upon the trial. He did not propose to alter the rule which required unanimity under such circumstances; because, notwithstanding all the inconveniences which might be attendant upon the operation of that rule, he was of opinion that to abolish it altogether would be a course which would be encompassed with no inconsiderable risk; as, for instance, natural indolence would induce many persons to say they voted for A, others that they voted for B, and the case would be thus easily disposed of, without the truth being sifted and canvassed, while the present unanimity required from jurors necessitated discussion. But, although he was an advocate of the rule in question, he did not wish to insist upon its being carried into effect with all the machinery by which it was at present surrounded. It was well known to their Lordships that, in order to obtain the requisite unanimity in the case of juries, we were obliged to have recourse, at times, to measures of coercion the most severe. Juries were locked up; they were deprived of fire, meat, and drink, if it could be shown that there was no danger to life from the deprivation, until they came to an agreement as to their verdict, or until one or more of their number died; or, at any rate, until it was certain that their further detention would do serious bodily injury to some of them. The Commissioners saw the necessity of grappling with such a state of things, and of proposing some more rational rule with respect to it than the very anomalous one which at present prevailed, and which made the success of one of the parties to a suit in some measure dependent upon the strength of the jurors by whom a view of the question favourable to his claims might be supported, or on the more recent period at which they might have satisfied their appetites. To obviate that anomaly the Commissioners proposed that, at the end of a given time—twelve hours, for instance, might be considered a reasonable time—the jury, if they could not agree, might be discharged, and a new trial might be granted. The Commissioners had also suggested that they should be allowed such reasonable refreshments, by the direction of the Judge, as might preclude the possibility of

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the supposition that they had been starved into a verdict in favour of one side or the other. He was of opinion that there could be no real danger in making that alteration in the present system; for, although much evil might not have really resulted from the present anomalous state of the law, yet the attention of Parliament having been called to it, and the Commissioners having recommended a change, he thought this recommendation was one which might well receive their Lordships' approval. In the case in which, after a confinement of twelve hours, the jury did not unanimously agree as to the verdict which they ought to pronounce, it was proposed that the Judge should be at liberty to discharge them, and the parties were placed in the same position as if they had not gone to trial at all, and they might either proceed to a new trial immediately at the same assizes or sittings, or they might have the case adjourned until the following assizes, as, under the circumstances, might be deemed the preferable course. Another of the changes which the Commissioners had recommended in the proceedings during the course of the trial, and which he (the Lord Chancellor) thought was based on good sense, was this:—Their Lordships were aware that almost all the evidence given in our courts of justice was tendered upon oath. There were, however, certain religious bodies, such as the Quakers and Moravians, who had conscientious scruples with reference to taking an oath, and to whose scruples deference had been paid by the Legislature. The members of these religious persuasions might give their testimony without binding themselves by the obligation of an oath; and it was for the jury to decide how far that circumstance did or did not in any particular case affect the testimony which they might have given; but the Judge was bound to receive, and the jury to listen to it. It sometimes occurred, however, that persons belonging to none of those religious bodies whose members were exempted from taking an oath on trials by jury, had an objection equally strong against binding themselves by any obligation so solemn, and it sometimes happened that the Judge was thereby placed in a very disagreeable position. In a trial at which he himself presided in York, a man of respectable appearance was brought forward as a witness by one of the parties to the suit, but refused to take an oath in consequence of the religious scruples upon the point which he entertained. He was asked whether he was a Quaker, or a Moravian, or a Separatist, or a mem.

ber of any of those religious sects to which the attention of the Legislature had been directed; but he replied, "No, I am neither, but I have a most conscientious scruple against taking an oath;" and he quoted the words "Swear not at all," and other passages in Scripture, in justification of his refusal. He (the Lord Chancellor) was bound to say that the witness must either take the oath or be committed; but the man said that, whatever might be the consequences, he could not take the oath. Thereupon, as the witness was an honourable-looking man, it was agreed that, instead of his being committed for contempt of court, which he must otherwise have been, the trial should be adjourned until the next day, in order that he might reconsider the matter. The next morning he came and said he had asked the opinions of various persons, whose names he mentioned, and he now believed that he might take the oath, and he accordingly did take the oath. The difficulty was avoided in that case, but it was avoided by accident; and he hoped their Lordships would observe the position in which they were now placed. They would not hear what a man had to say, although so strong and conscientious was his feeling that he ought to discharge his duty honestly, that he would go to prison rather than utter a single word against his conscience. Now, what the Commissioners had proposed in reference to the case of those men who seemed ready to undergo imprisonment rather than act in contradiction to what they believed to be their duty was, that the Judge should have the power of examining such persons, and if he deemed their objections of taking an oath to be based upon conscientious motives, of regarding their evidence in the same light as that of the members of those religious persuasions with reference to whom the obligation of an oath had by the Legislature been dispensed with. This he (the Lord Chancellor) considered was the best mode of getting out of the difficulty which the nature of the thing permitted. He knew that some persons considered oaths as unnecessary under any circumstances, and that its administration to witnesses upon a trial tendered to serve no useful end, inasmuch as that those who conscientiously objected to an oath would tell the truth, while those who did not intend to speak the truth would not be induced to do so by an oath. Practically, this might be perfectly true with regard to their Lordships, and the Constitution in some measure supposed it, because, in cases where other per-

sons were obliged to answer on their oaths, their Lordships were permitted to answer on their honours; but he should be very loath to give up the additional security for the truth being spoken, which was now obtained from the impression that they were speaking upon oath produced in the minds of many persons. He was greatly confirmed in his conviction by an observation which he had heard made by Lord Melbourne—that they never found a secret society existing, the members of which did not bind each other by the most solemn oaths. This showed the force which in their opinion attached to an oath. He thought the suggestion of the Commissioners was the best that could be made; and therefore he proposed to leave the oath as it now was, but that the present exception in favour of Moravians, Quakers, and other classes of persons, should be extended to all persons who, having stated that they had conscientious scruples against taking an oath, were able to satisfy the Judge, upon examination, that they were stating that which was perfectly true. He was aware that there were matters of detail, but he should be loath to introduce a Bill of this sort into their Lordships' House without acquainting their Lordships with some of the most material changes which it proposed to effect. There was another circumstance which sometimes took place during a trial, with regard to which a proposition had been made. A question sometimes arose as to whether a particular document or a particular signature was in the handwriting of a particular person. Generally speaking, out of the walls of a Court of Justice, if a person wished to know whether a certain signature was the genuine writing of the person whose signature it purported to be, and he could not apply to the person by whom it purported to have been written, he compared it with other signatures or with the writing of other documents which he knew to be genuine. Undoubtedly this course might have been adopted in courts of justice; but there the objection has been taken, "You cannot tell that the other documents have not been manufactured;" and thus they probably shut out a comparison in 99 cases where the documents had not been manufactured, because in the 100th case it might have been manufactured for the purpose of deception. They shut out the truth in a majority of cases, because in one solitary case more harm than good might be done by the manner in which it was submitted. The Commissioners had, therefore, proposed to alter

their Lordships upon that occasion. He should next advert to another question of some importance, upon which he felt bound to offer a few remarks to the House. Their Lordships were aware that in the case of a verdict, perfect unanimity was, under our present system, required upon the part of all the jurors engaged upon the trial. He did not propose to alter the rule which required unanimity under such circumstances; because, notwithstanding all the inconveniences which might be attendant upon the operation of that rule, he was of opinion that to abolish it altogether would be a course which would be encompassed with no inconsiderable risk; as, for instance, natural indolence would induce many persons to say they voted for A, others that they voted for B, and the case would be thus easily disposed of, without the truth being sifted and canvassed, while the present unanimity required from jurors necessitated discussion. But, although he was an advocate of the rule in question, he did not wish to insist upon its being carried into effect with all the machinery by which it was at present surrounded. It was well known to their Lordships that, in order to obtain the requisite unanimity in the case of juries, we were obliged to have recourse, at times, to measures of coercion the most severe. Juries were locked up; they were deprived of fire, meat, and drink, if it could be shown that there was no danger to life from the deprivation, until they came to an agreement as to their verdict; or until one or more of their number died; or, at any rate, until it was certain that their further detention would do serious bodily injury to some of them. The Commissioners saw the necessity of grappling with such a state of things, and of proposing some more rational rule with respect to it than the very anomalous one which at present prevailed, and which made the success of one of the parties to a suit in some measure dependent upon the strength of the jurors by whom a view of the question favourable to his claims might be supported, or on the more recent period at which they might have satisfied their appetites. To obviate that anomaly the Commissioners proposed that, at the end of a given time—twelve hours, for instance, might be considered a reasonable time—the jury, if they could not agree, might be discharged, and a new trial might be granted. The Commissioners had also suggested that they should be allowed such reasonable refreshments, by the direction of the Judge, as might preclude the possibility of

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the supposition that they had been starved into a verdict in favour of one side or the other. He was of opinion that there could be no real danger in making that alteration in the present system; for, although much evil might not have really resulted from the present anomalous state of the law, yet the attention of Parliament having been called to it, and the Commissioners having recommended a change, he thought this recommendation was one which might well receive their Lordships' approval. In the case in which, after a confinement of twelve hours, the jury did not unanimously agree as to the verdict which they ought to pronounce, it was proposed that the Judge should be at liberty to discharge them, and the parties were placed in the same position as if they had not gone to trial at all, and they might either proceed to a new trial immediately at the same assizes or sittings, or they might have the case adjourned until the following assizes, as, under the circumstances, might be deemed the preferable course. Another of the changes which the Commissioners had recommended in the proceedings during the course of the trial, and which he (the Lord Chancellor) thought was based on good sense, was this:—Their Lordships were aware that almost all the evidence given in our courts of justice was tendered upon oath. There were, however, certain religious bodies, such as the Quakers and Moravians, who had conscientious scruples with reference to taking an oath, and to whose scruples deference had been paid by the Legislature. The members of these religious persuasions might give their testimony without binding themselves by the obligation of an oath; and it was for the jury to decide how far that circumstance did or did not in any particular case affect the testimony which they might have given; but the Judge was bound to receive, and the jury to listen to it. It sometimes occurred, however, that persons belonging to none of those religious bodies whose members were exempted from taking an oath on trials by jury, had an objection equally strong against binding themselves by any obligation so solemn, and it sometimes happened that the Judge was thereby placed in a very disagreeable position. In a trial at which he himself presided in York, a man of respectable appearance was brought forward as a witness by one of the parties to the suit, but refused to take an oath in consequence of the religious scruples upon the point which he entertained. He was asked whether he was a Quaker, or a Moravian, or a Separatist, or a mem.



ber of any of those religious sects to which the attention of the Legislature had been directed; but he replied, "No, I am neither, but I have a most conscientious scruple against taking an oath;" and he quoted the words "Swear not at all," and other passages in Scripture, in justification of his refusal. He (the Lord Chancellor) was bound to say that the witness must either take the oath or be committed; but the man said that, whatever might be the consequences, he could not take the oath. Thereupon, as the witness was an honourable-looking man, it was agreed that, instead of his being committed for contempt of court, which he must otherwise have been, the trial should be adjourned until the next day, in order that he might reconsider the matter. The next morning he came and said he had asked the opinions of various persons, whose names he mentioned, and he now believed that he might take the oath, and he accordingly did take the oath. The difficulty was avoided in that case, but it was avoided by accident; and he hoped their Lordships would observe the position in which they were now placed. They would not hear what a man had to say, although so strong and conscientious was his feeling that he ought to discharge his duty honestly, that he would go to prison rather than utter a single word against his conscience. Now, what the Commissioners had proposed in reference to the case of those men who seemed ready to undergo imprisonment rather than act in contradiction to what they believed to be their duty was, that the Judge should have the power of examining such persons, and if he deemed their objections of taking an oath to be based upon conscientious motives, of regarding their evidence in the same light as that of the members of those religious persuasions with reference to whom the obligation of an oath had by the Legislature been dispensed with. This he (the Lord Chancellor) considered was the best mode of getting out of the difficulty which the nature of the thing permitted. He knew that some persons considered oaths as unnecessary under any circumstances, and that its administration to witnesses upon a trial tendered to serve no useful end, inasmuch as that those who conscientiously objected to an oath would tell the truth, while those who did not intend to speak the truth would not be induced to do so by an oath. Practically, this might be perfectly true with regard to their Lordships, and the Constitution in some measure supposed it, because, in cases where other per-

sons were obliged to answer on their oaths, their Lordships were permitted to answer on their honours; but he should be very loath to give up the additional security for the truth being spoken, which was now obtained from the impression that they were speaking upon oath produced in the minds of many persons. He was greatly confirmed in his conviction by an observation which he had heard made by Lord Melbourne—that they never found a secret society existing, the members of which did not bind each other by the most solemn oaths. This showed the force which in their opinion attached to an oath. He thought the suggestion of the Commissioners was the best that could be made; and therefore he proposed to leave the oath as it now was, but that the present exception in favour of Moravians, Quakers, and other classes of persons, should be extended to all persons who, having stated that they had conscientious scruples against taking an oath, were able to satisfy the Judge, upon examination, that they were stating that which was perfectly true. He was aware that there were matters of detail, but he should be loath to introduce a Bill of this sort into their Lordships' House without acquainting their Lordships with some of the most material changes which it proposed to effect. There was another circumstance which sometimes took place during a trial, with regard to which a proposition had been made. A question sometimes arose as to whether a particular document or a particular signature was in the handwriting of a particular person. Generally speaking, out of the walls of a Court of Justice, if a person wished to know whether a certain signature was the genuine writing of the person whose signature it purported to be, and he could not apply to the person by whom it purported to have been written, he compared it with other signatures or with the writing of other documents which he knew to be genuine. Undoubtedly this course might have been adopted in courts of justice; but there the objection has been taken, "You cannot tell that the other documents have not been manufactured;" and thus they probably shut out a comparison in 99 cases where the documents had not been manufactured, because in the 100th case it might have been manufactured for the purpose of deception. They shut out the truth in a majority of cases, because in one solitary case more harm than good might be done by the manner in which it was submitted. The Commissioners had, therefore, proposed to alter

the present rule; so that, if any other document were in evidence in the handwriting of the person whose signature to a particular document was disputed, the jury might be allowed to compare the two documents. At present a counsel at *nisi prius* had to display a kind of dexterity in order to get some other document in the same handwriting put in evidence; but it was now suggested that it would be desirable that a comparison should be made in all cases. There was also another change proposed, which he looked upon as very desirable, and which he trusted would be effected. It sometimes turned out that a document produced in evidence during a trial had an improper stamp upon it. It might be said that the party could now go to Somerset House and get the document properly stamped, by paying a fine of 5*l.*; but, if the trial was taking place in the country, it had to go on, and the result was, that if the party lost his verdict he was obliged, not only to pay for the stamp, but also the costs of the trial, and to have a new trial. It was proposed, as a remedy for that state of things, that the officer of the court should in such cases be empowered to receive the penalty, the amount of the proper stamp, and something more, and the document would then be considered in the same state as if it had been stamped at Somerset House. This, as it seemed to him, would be a very desirable object to attain, as a trial now very often failed because there was an error in the manner in which the instrument had been stamped, having, for instance, a 15*l.* instead of a 20*l.* stamp—not because it was without a stamp at all—and it was very often extremely difficult to tell what the stamp ought to have been. These were the main recommendations with respect to proceedings at trials. There were a number of other recommendations connected with trials, some of which he had adopted, and some of which he thought he could not properly recommend to their Lordships. At present, in all actions of contract, a defendant who was sued might pay money into court, and then if the plaintiff proceeded to trial for more—for instance, for 500*l.*, the defendant having paid 200*l.* into court, with the costs up to that time—but did not recover more than the amount of the payment into court, he was very properly obliged to pay all the subsequent costs up to the time of the delivery of the verdict. The Commissioners proposed that this rule should be extended to all cases, but he thought this would be a dangerous change. There were a

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multitude of cases in which the damages did not constitute all that the plaintiff desired to attain. A man's character might be slandered, and he might bring his action because he wanted to vindicate his character from the imputations which had been wrongfully cast upon it, and nothing short of a trial would attain his object. What a position would that man be placed in if the defendant were entitled to pay his 500*l.* into court, and so prevent the trial from proceeding? He would say, "That is not what I want; I want my neighbours and the public to know that I have not been guilty of the abominable acts which have been imputed to me." It would be unjust not to allow a man to proceed except upon the peril of laying, as it were, a wager as to whether the jury would give him a certain amount of damages or not, and he did not therefore intend to recommend their Lordships to adopt the proposal of the Commissioners. There were a number of other recommendations as to what the court might do in order to facilitate the administration of justice—empowering them to make orders for the investigation of documents, for the inspection of the subject-matter of the controversy by the opposite party, and other matters upon which he would not dwell, because it was obvious that they must obtain universal concurrence. There was, however, another very valuable suggestion to which he would refer. According to the present course of proceedings, as laid down by the last Bill, what was called special pleading still continued to exist. The plaintiff delivered a short statement of his grievances to the defendant, and the defendant delivered a short answer of "Not guilty," or whatever his defence might be. The Commissioners made the suggestion, which appeared to him a most reasonable one, that the plaintiff in his declaration, or the defendant in his plea, might deliver a written interrogatory or interrogatories, to which either party respectively should be bound to return an answer upon oath. He thought that if this suggestion of the Commissioners was adopted it would, in a great many cases, prevent all further litigation. The parties to a cause were, as the law now stood, liable to be examined upon a trial; and why should they not be examined *viva voce* upon the trial: why not, he would ask, examine them beforehand, and bring the matter in dispute within the smallest compass, rather than entail upon them unnecessarily all the expense which a trial in a course of law must engender

Some might answer truly and some untruly; they would, however, incur the penalties of perjury by swearing falsely, but there was no reason to believe that in a great majority of cases the parties would not speak the truth. At all events, let the experiment be tried, for it could do no harm. After the plaintiff had recovered judgment in an action brought for some wrong which had been done, it very often happened that the defendant kept on repeating the same injury, and at present a court of common law had no power, except in the single case of the infringement of a patent, and that only by a very recent Act of Parliament, to do what was called preventive justice. It might give damages when the injury had been committed, but it could not prevent the injury, and, in order that this might be done, the party must be handed over to another tribunal, to the common-place declamations against which he should be the last to yield—namely, the Court of Chancery—in order to secure themselves from a recurrence of these injuries; but nothing could, in his opinion, be more utterly at variance with the object of all jurisprudence than unnecessarily to hand over a party from one tribunal to another; and why should they not therefore give the court which had adjudicated upon the right, and given damages in respect of its infringement, the power of also issuing an injunction to prevent its further infringement? The recommendation of the Commissioners upon this point he proposed to adopt, as he considered that it was founded upon very good reasons. At present, especially since the last twenty or thirty years and the increase of railway and other public Acts, a party, besides being entitled to a remedy for a wrong done, was also entitled to apply for a writ of *mandamus* compelling a public body to do a certain act. Suppose that a railway Act passed, authorising a company to make a railway, and directing them to make a communication from one to another of his fields. If they made the railway, but not the communication, he had two grievances against them. In the first place he had been injured by being shut up in one of his fields, and in the next place the injury was one which might continue for all time. He must now take two proceedings, one in a court of law to recover compensation for the injury that had been done him, and the other in the Court of Chancery to compel a specific performance of the right to which he had become entitled. The Commissioners suggested that the same pro-

ceeding should enable the party to obtain damages and also relief from the injury. The Commissioners went on further to recommend that there should be given to the courts of common law power to decree what was called specific performance of a contract; but he did not go along with them in that suggestion, and he thought it was unnecessary. At present specific performance might practically be said to be confined to cases of contracts for the sale and purchase of lands, although, strictly and technically speaking, there were other cases to which it also applied, and those cases were well and satisfactorily adjudicated upon by a proceeding well known in Chancery. The Commissioners proposed, that in all cases of contracts the common law courts might order the parties specifically to perform. He was at first, he confessed, taken with the proposal, and thought it quite consonant with justice, but he did not know, when he had considered it, what limitations could be imposed upon it. Could the party be compelled to specific performance in an action for breach of promise of marriage? This illustration went to an extreme length, but there were numbers of cases, not quite so strong, which, if they were not excepted from the general rule, would present great difficulty in the way of its application. He did not, therefore, feel warranted in recommending their Lordships to adopt this suggestion. Having gone through the proceedings at trials, the Commissioners had directed their attention to the means which it would be desirable to employ to enable parties to obtain the fruits of their successful verdicts. Various alterations had from time to time been made in the articles which might be taken in execution after verdict. Chattels were always liable to be taken, and land had lately been also made liable; but it was singular, that for a length of time money could not be taken, although the law had now been altered in that respect. But there was one description of property which could not be taken. A man might have a quantity of valuable debts, but, except in the city of London, by the system of foreign attachment, and, he believed, in Bristol and some other places, a creditor who recovered judgment against a debtor could not touch his debts. He (the Lord Chancellor) saw no good reason why that should continue any longer to be the case. There seemed to be no reason why a man who owed him 100*l.* and would not pay him, should not be obliged to give up the 100*l.* owed him by another man, in satisfaction of his debt.

Certain clauses had been introduced in the Bill to carry out this object. There was one other very important subject to which he would call their Lordships' attention. They had heard of late a great deal about the expediency of what was called a fusion of the courts of law and equity, so that each court should be competent to administer justice either as a court of law or of equity. Undoubtedly, if they were founding a new country which had no law at all—where all were, as it were, a *tabula rasa*—and were endeavouring to make the best system which could be devised, no one would think of making a distinction between what was technically called law and what was technically termed equity. He was not, however, one of those who held the opinion, considering the position in which we were now placed, that so much advantage would result from the proposed fusion of law and equity as many persons seemed to imagine. If there were any real grievance to be complained of as the result of the present mode, then the question would undoubtedly assume a different aspect, and a fusion would perhaps become imperative—but such was not the case. The difference between what were technically known as law and equity was well understood. But, although this was the view he took, he was far from not agreeing that, if they could so far assimilate the two that a party, by going to law, could obtain all he could now get by going to law and equity, so as to have everything done in one court, it would not be a most desirable object. With this view, the Commissioners had recommended that great facilities should be given to the pleading of what were termed “equitable defences,” at trials at common law. He would illustrate his meaning. A man brought an action on a bond and recovered judgment, but the party against whom he had recovered refused to pay, because an agreement, not under seal, released him from the payment. According to the rules of law, this defence could not now be pleaded, as it was an equitable, not a legal one. He proposed in this Bill, that an equitable defence might be pleaded in bar to an action, and he did not believe that any difficulty would be found in the working of the provision. One of the learned and talented gentlemen whose name was attached to the Report, Mr. Willes, had lately visited the United States, where this law was in operation, with the understanding of a lawyer. He said, that in the American courts he had seen equitable defences tried, and had

spoken to some of the most intelligent lawyers in that country on the subject, but, although the alteration had only been introduced within the last thirty years, no difficulty whatever had been found in carrying it into effect, and this had confirmed him in his previous opinion. He would now, thanking their Lordships for the indulgence with which they had listened to his statement, move that the Bill be read a first time. The course he proposed to take was to move the second reading, upon which he supposed there would be no discussion, as the Bill referred almost entirely to matters of detail, when his noble and learned Friend the Lord Chief Justice returned from his circuit, in order that it might then be immediately referred to a Select Committee. The noble and learned Lord then *presented* A Bill for the further Amendment of the Process and Practice and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster.

LORD CAMPBELL had no doubt that, when the measure proposed by his noble and learned Friend had passed both Houses of Parliament and received the Royal assent, it would very much improve the jurisprudence of the country. He thought they were exceedingly indebted to the learned Commissioners for the suggestions they had made, and that they were deserving also of the thanks of the country. At the same time there were some of the suggestions which he thought went further than the House could safely venture, and he was glad that his noble and learned Friend had not followed all the suggestions pressed upon him. With regard to trial by jury, he was glad his noble and learned Friend was not one of the new converts who thought it ought to be abolished. Certainly there were many cases now brought before a jury which a jury was unfit to try, and they should refer such cases, at least with the consent of the parties, to the Judge, and not to the jury. For example, cases of ejectment, in which there was no dispute as to the facts, but the questions to be decided were simply points of law and matters of that kind, should not be sent before a jury, because a jury was totally incompetent to try them, and the sooner they were removed from their jurisdiction the better; but he felt convinced that with regard to cases that were fit for a jury, a jury with a Judge would try them infinitely better than a Judge without a jury. Cases of slander, assault, and personal



wrongs were of this class, and would be tried much better by a jury with the assistance of a Judge, than by a Judge without the assistance of a jury. Even as regarded contracts, grave objections existed against referring them, without any exception, to the decision of a Judge. Suppose an action was brought against an insurance office on a fire policy, and that the defence was that the plaintiff had set fire to the premises with the view of defrauding the insurance office. In this case the real issue to be tried would be whether the plaintiff had been guilty of felony; but still it was an action of contract, and would it be fit that such a case should be tried by a single Judge instead of being tried by a jury? He was sure that he as a Judge would shrink from such a task were it to be thrown upon him. With regard to the improvements in the trial by jury to which his noble and learned Friend had referred, he approved of them all, particularly the change which had reference to the alteration of that barbarous custom of locking up and starving out juries. It was not, however, accurate to say that they were not allowed candle-light. They were not to have fire, but they were allowed the advantage of candle-light; they might have candles, but not fire, and they must remain without meat or drink until they do concur. And on circuit it was prescribed, that if they could not agree upon their verdict they were to be carried in a cart to the border of the county and there shot into the boundary. He was glad that that system was to be changed; but in carrying out the proposed measure they should take care that the jurors were not engaged in reading newspapers or fashionable novels until the twelve hours during which they are to be detained had expired. The next subject referred to was the objection expressed sometimes by witnesses to the taking of oaths. In this matter the discretion proposed to be given to the Judge in the administration of oaths was an improvement that had long been called for. A noble and learned Friend of his (Lord Denman) formerly brought in a Bill to carry into effect what was now proposed, and providing that where a Judge thought there was a sincere scruple on the part of a witness to take an oath, that witness might be examined without being sworn. He (Lord Campbell) must express his astonishment, notwithstanding that measure had been several times before

their Lordships, who were always eager to vote for any improvement in the administration of justice that was proposed, and to set an example to the other House in respect of legal improvements, that three times had such a measure been before them, and that such a measure should have been lost. It was supported by the right rev. bench, and particularly by the Bishop of London, who was of opinion that after the words of the Divine Founder of our faith—"Swear not at all"—no one could be said to be absurd who should entertain scruples on the subject. The Bishop of London said that, although the Thirty-nine Articles allowed that oaths may be taken by Christians, those articles are not at all binding upon lay Christians of the Church of England. And that a man might be a good Church of England man, not only nominally, but in communion with the Church of England, and in all respects recognised as a member of the Church of England who might refuse to take an oath on the notion that it was contrary to the precept of our Saviour. Therefore, it was not only Dissenters that might suffer for refusing to take an oath, but members of the Church of England might also suffer for refusing to do so. The intended alteration in the law would moreover afford relief, not merely to those who entertained conscientious scruples as to the taking of oaths, but to those interested in obtaining the testimony of witnesses. He had said before, and he now repeated, that a right to a seat in their Lordships' House might be forfeited by the scruple of a witness to take an oath, and that would show how much the administration of justice would be improved by an alteration on that point. There was one part of the plan proposed by his noble and learned Friend to which he entertained serious objections. It was now proposed that in all cases whatever, whenever a new trial was moved for or refused in any of the superior courts, there might be an appeal against that decree or judgment of the superior court, and it was proposed that that appeal should be to another court, not coming to their Lordships' House, but that their Lordships' jurisdiction should be encroached upon or set aside. To allow that unlimited power of appeal in every case would lead to great vexation and mischief, and must seriously obstruct the administration of justice. If there should be an appeal from

the Court of Queen's Bench to the Exchequer Chamber without bringing the case before their Lordships' House, it would be an alarming encroachment upon the privileges of that House. For the sake of the public, and for the dignity and efficiency of that House, he earnestly advised their Lordships carefully to watch their privileges as being the supreme court of appeal.

**THE LORD CHANCELLOR:** There is a right of appeal to this House also.

**LORD CAMPBELL** said, that if a final appeal to the House of Lords was to be given in every case of a motion for a new trial, that would be an error in the opposite direction. Suppose an action was brought in the Common Pleas for an assault, the plaintiff obtained a verdict, and the defendant moved to show cause why the verdict should not be set aside and a new trial had;—there being no pretence for the Motion, the Court refuses to interfere. It was proposed that under these circumstances there might be an appeal, first to the Exchequer Chamber, and afterwards an appeal to that House, about a trumpery matter of 5*l.*, when there was no ground to question the decision of the Common Pleas. That he should most strenuously resist. It was a very clumsy proceeding; it was a much more convenient mode to put any great question of law upon the record, and when once upon the record let them come to that House; but according to this new proposition the Bridgwater case must have been decided by the Exchequer Chamber without coming to that House. With respect to the fusion of law and equity, he concurred in the views which his noble and learned Friend had expressed. It would be a great matter that one court should be able to decide one case, and that the suitor should not be going about from one court to another, oscillating between equity and common law; and, though he believed it would be attended with difficulty, he thought it was an object that could be accomplished. He regretted that his noble and learned Friend despaired altogether of enabling a court of law to order the specific performance of a contract. Certainly the suggestions of the Commissioners would never answer, for they proposed that in every case where damages might be recovered there might be a specific performance decreed. Suppose, however, after a promise of marriage, the lady refused to perform that promise, ought there

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to be a specific performance decreed of that contract of marriage, and that she, against her will, might, at the peril of incurring a commitment for contempt of the Court of Queen's Bench, be unwillingly dragged to the altar. The fulfilment of such a contract could not be specifically enforced. But (as a contract for the sale of land) there were others in which a specific performance of a contract might be very safely referred to the jurisdiction of a court of law. He should be most happy to lend his best assistance to the improvement of this Bill, and he had no doubt, from the labour bestowed upon it by the Members of that House—lay, he hoped, as well as law Lords, for there were parts of it on which all their Lordships could form as good an opinion as the legal Peers—that when it left that House, and was sent down to the House of Commons, it would deserve the approbation of the country.

**LORD BROUGHAM** said, that his assent to the measure proposed by his noble and learned Friend was a matter of course, because the greater part of its provisions—all, indeed, but one or two—were embodied in the Bill which he (Lord Brougham) had presented to their Lordships last year. He was bound to say that this coincidence was without any concert or design between the Commissioners and himself; for his Bill was drawn in utter ignorance of the direction which their inquiries had taken, and their recommendations were, he believed, founded upon a consideration of the evidence they received, without the least knowledge on their part of the provisions which he had embodied in this Bill. In many of the observations made by his noble and learned Friend who had just addressed the House on the subject of trial by jury he entirely concurred. He agreed with his noble Friend that no man who knew the law or the constitution of the country, or had any experience or even observation of the working of the system, could harbour an idea of dispensing generally and absolutely with trial by jury. But, nevertheless, it was found in practice, as had been stated by his noble and learned Friend on the woolsack, that many cases were much better tried by a Judge than by a jury. Frequently, indeed, trial by jury was a mere form; for, although nominally tried by the jury, they were in reality tried by the Judge, the jury having only to say that the facts, about which

there was no dispute, were so and so. In other cases it would be much more convenient to have them tried by a single individual—a Judge in effect—rather than by the jury. In cases of account, for instance, when the cause was called on before the Judge and jury, the barristers on both sides exclaimed, “This is a case which should never have come here—it must be referred to arbitration;” and it was accordingly referred to arbitration, and after all the expenses had been incurred to have it tried before a Judge and jury, the same expenses must be gone through to bring it before an arbitrator. Out of 150,000 cases in the county courts, how many did their Lordships think, the parties having the option, chose to have them tried by a jury? Where the debt was under 5*l.* they had not the option. Where it was between 5*l.* and 50*l.* they had the option, and out of 150,000 cases where the debt was between 5*l.* and 50*l.*, and where the parties had the option, 769 cases only were tried before a jury. That was to say, one in 200; the other 199 cases were tried by the Judge, the parties having the option to have them tried by a jury if they pleased. Their Lordships must remember, moreover, that in the county courts, cases of *tort* as well as of contract were dealt with. The measure he proposed last year was confined to cases of contract, but his belief was that there would be no harm whatever in making the measure general as it was in the county courts, and in cases of *tort* as well as contract leaving them to be tried by a Judge or by a jury, as should be agreed. He must express his astonishment that his noble and learned Friend should object to allowing money in all cases to be paid into court, and he could not see any ground for the objection. His noble and learned Friend had said that if a defendant were to be at liberty in all cases to pay money into court when a party brought an action for the vindication of his character, or to soothe his wounded feelings, the defendant, if he were a rich man, would pay money into court, and prevent the plaintiff from going before a jury, when all he wanted was to go before a jury for the vindication of his character, and to soothe his feelings; but as the law now stands, precisely the same case might arise if the defendant chose to take the money offered to him. The rich man might make his offer, and the poor man might take it, and his character would never be vindicated before a jury, nor would his feelings be soothed.

[The Lord CHANCELLOR: If he chose to take it.] If he chose to take it, no doubt. But suppose the defendant should be allowed in all cases to pay money into court, my noble Friend cannot think that the plaintiff would be bound to take that money. If in an action for slander a sum of money was paid into court by the defendant, it was only a tender, which the plaintiff was not bound to accept. He might say, “I don’t want your paltry money, but I want to have my character vindicated, and my feelings soothed.” He regretted that another part of his Bill of last year had not been sanctioned by the Report. He referred to the protection of witnesses in matters where the answer might tend to criminate them.

THE LORD CHANCELLOR was understood to intimate that some step on the subject had been taken.

LORD BROUGHAM was pleased to hear his noble and learned Friend say so. He had discussed the subject last Session with his noble and learned Friend, and he had taken a considerable step in a right direction. Now his hope was that, before he had done with it, they should make him convert that step into a stride, so as to make it effective. As to the equitable clauses, they were no doubt an improvement, and he perceived that they were almost entirely taken from the able and learned report of a gentleman who was now one of the county court judges. He had to express his thanks, first to the learned Commissioners, and then to his noble and learned Friend, who had adopted his views on most important points. He had hoped that another improvement would have been introduced which would tend greatly to the convenience of the courts and to despatch in the administration of justice, and would do away with what was considered a very great grievance, and that was making the writs returnable alike in all the Courts of Westminster Hall. It frequently happened that one court had hardly any business in comparison with the others. In Ireland, for some years past, the possibility of that had been prevented, for all writs were made up in parcels of twenty-five and distributed amongst the courts; and there was no ground whatever for allowing the plaintiff to choose his own court in this country any more than he was allowed to choose it in Ireland.

Bill read 1<sup>a</sup>.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Monday, February 27, 1854.*

MINUTES.] PUBLIC BILLS.—2<sup>o</sup> Church Building Acts Amendment; Valuation (Ireland) Act Amendment.

## CHARITY COMMISSIONERS—QUESTION.

LORD JOHN MANNERS said, he wished to inquire of the right hon. Member for Morpeth (Sir G. Grey) by what authority, and with what object, the 19th question was inserted in the form of inquiry as to endowed, National, British, infant, and other schools; and the 20th question in the form of inquiry, as to endowed grammar schools, by the Charity Commissioners? and whether those questions were addressed to Roman Catholic and Dissenting schools, or only to those of the Church of England?

SIR GEORGE GREY said, that the authority under which the questions referred to had been inserted in the form of inquiry was contained in the 9th and 10th sections of the Act of last Session, establishing the Charities Commission. The first of these sections empowered the Commissioners to examine and inquire into all charities in England and Wales, and the nature, objects, management, and result thereof. The second section required all trustees or persons concerned in the management of any charity to answer all inquiries addressed to them by direction of the Board relating to those matters. The object with which the particular question had been inserted in the inquiries was to ascertain to what class of children any particular school was open, and whether in any endowed school there was any particular exclusion of children of Dissenters. This inquiry was an important one with respect to that class of cases in which it might be proposed to apply to educational purposes and other exigencies of a school inefficiently endowed the funds of other charities founded for the benefit of the poor of any particular place without distinction of creed. With regard to the question of the noble Lord, whether they were to be addressed to Roman Catholic schools, he had to state that these questions were not addressed to Roman Catholic schools, because, by the 62nd section, Roman Catholic charities were for two years exempted from the operation of the Act. With respect to schools managed by Protestant Dissenters, these particular questions would be clearly inapplicable. The form of inquiry included all the ques-

tions fit to be put in any case, but the particular inquiries would be varied according to the circumstances of the case, while the same principle would be applied to all cases of Dissenting schools desiring to participate in the benefits of the general charity.

## WAR WITH RUSSIA—RUSSIAN MERCHANTMEN—QUESTION.

SIR WILLIAM CLAY said, he begged to inquire of the noble Lord (Lord J. Russell) whether Russian ships chartered by British merchants to bring corn from the Black Sea, and by a firman of the Sultan (issued after his declaration of war against Russia) permitted to pass the Bosphorus and Dardanelles, would be also permitted to pass unmolested by British men-of-war, in the event of war occurring between Great Britain and Russia? and whether the Government would use its good offices with the Government of France to insure for the vessels so circumstanced a safe conduct from French cruisers likewise?

LORD JOHN RUSSELL: Sir, the question of the hon. Member for the Tower Hamlets is one of considerable interest, and, at the same time, one of great delicacy; and I must say, before answering the question, that I think it would be more convenient if the merchants interested in this question would address an application on the subject to the Foreign office. My noble Friend (the Earl of Clarendon) would then direct an answer to be sent in writing, stating the exact directions which Her Majesty's Government could give on the subject. The facts with respect to this particular case to which the hon. Baronet refers are these:—In the month of February an application was made by certain merchants of Hull to know whether Lord Stratford de Redcliffe, the British Ambassador at Constantinople, would be instructed to obtain from the Sultan protection for certain Russian vessels then loading in the Black Sea, and expected to come back with cargoes on British account. Lord Stratford was directed to apply to the Porte on the subject. The Sultan acceded to the request made, and those vessels were protected in their passage through the Bosphorus and Dardanelles. In December there were some other vessels, with respect to which an application was made, and Lord Stratford was again desired to protect British interests as far as he could. But with respect to the original application, there was a subsequent request in February,



asking whether British cruisers would be bound to respect Russian vessels similarly circumstanced in the Mediterranean, in the event of war between Russia and this country. Lord Clarendon, in answer to this request, desired to know the names of the vessels referred to, and a list of four vessels was sent to the Foreign Office. With respect to those vessels, Lord Clarendon will take care, and Her Majesty's Government will take care, that in case of war directions shall be given to British cruisers to respect those vessels, which have been allowed by the Sultan to pass through the Bosphorus and the Dardanelles. With respect to any protection from French men-of-war, that is, of course, a thing which we cannot possibly demand of the French Government. But Her Majesty's Government will use their good offices with the French Government, with the view of getting them that protection to which, by the law of nations, they would not, in the case of war, be entitled. But lest this question and the answer which I have given might receive a more general interpretation than it is intended to have, I will repeat what I stated at the commencement—that it is most desirable that applications on the subject should be made in writing, and that persons should not be misled by thinking that the protection of the British Government can be afforded further than those cases to which Her Majesty's Government think they are entitled to carry it in the present instance.

MR. MILNER GIBSON: Sir, in reference to a question put by the hon. Member for the Tower Hamlets (Sir W. Clay), as to whether certain Russian ships will be allowed to pass our vessels under certain circumstances, I wish to ask the noble Lord (Lord J. Russell) whether we may expect the decision of the Government in reference to the right of neutral flags, in case of war breaking out? That is, whether the Government has come to a decision, and whether they will announce that decision—whether free ships are to make free goods, and neutral flags be respected? Of course, I refer to neutral ships carrying ordinary mercantile produce, not to ships carrying muniments of war.

LORD JOHN RUSSELL: The question is of the greatest importance, and is altogether under the consideration of Her Majesty's Government at the present moment. At present I am not able to announce a decision on any of the various points of the matter. But before any

declaration of war is made we will be prepared to answer the question.

#### REMOVAL OF IRISH PAUPERS.

On the Motion that the House go into Committee of Supply,

SIR BENJAMIN HALL said, he wished to make a short statement in reply to the observations which fell from the hon. Member for Dungarvan (Mr. Maguire) on Friday evening, with respect to certain proceedings which had taken place in the metropolitan districts in connection with the removal of paupers to Ireland. Some of the remarks of the hon. Gentleman were of so startling a character, and bore so harshly upon the conduct of the parochial officers in the metropolis, especially those in the parish of St. Pancras, that he had considered it his duty, as a representative of one of the metropolitan boroughs, to inquire into the subject, in order to ascertain whether the facts were really such as the hon. Gentleman had represented them to be. He was informed that the statement made by the hon. Gentleman, so far as the parish of St. Pancras was concerned, was wholly without foundation; and although he did not blame the hon. Member for bringing the subject forward, yet he could not help thinking that those persons who had supplied the hon. Gentleman with the extraordinary cases of hardship and oppression which he had narrated to the House should have been more careful in their inquiries, and more accurate in their information, before they called upon him to bring the subject under the notice of Parliament. It was very inconvenient that those statements should be made at a time when the House was about to go into Committee of Supply, and thus obstruct the public business. The hon. Member was reported to have said:—

“One poor woman—Anne Harris—not the Mrs. Harris of the novelist, but a Mrs. Harris of real life—had resided seven years in St. Pancras; but about three months since her husband broke his leg, and was obliged to go into Middlesex Hospital, and a few weeks since she applied for and obtained relief for herself and her children, born in the parish. The mother and children entered the workhouse, and on recovering from the sickness caused by the privations they had undergone, she asked for her discharge. The parish authorities were too glad to have her at their mercy, and the poor woman and her children were sent off to Ireland, without the knowledge or consent of the sick husband, then lying in the hospital.”

What were the facts of the case? No such a person as Mrs. Harris existed; and at the time when it was said she was re-

lieved in the workhouse, there was no man of the name of Harris in the Middlesex Hospital. About the period referred to a woman of the name of Macarthy was removed to Ireland by the authorities of St. Pancras; but she was a woman of abandoned character, unmarried, and with two illegitimate children. During the last few years the expense of removing paupers from St. Pancras to Ireland had been only 21*l.* 13*s.* 2*d.* per annum, though the parish contained a population of 667,000 souls. He did not intend to enter into a defence of the conduct of the officers of other parishes; but if the statements which the hon. Member for Durgarvan had made with respect to the other metropolitan districts were no better founded than those which he had put forth in regard to St. Pancras, he could tell him that they were not of any value whatever.

MR. MAGUIRE said, he would not take the recommendation of the hon. Baronet with regard to the statements which, in the exercise of his discretion, he should bring forward. The hon. Baronet had so confused and thimble-rigged his explanation—one moment the pea being here and the next moment there—that it was difficult to understand. One moment, this Mrs. Harris was a woman of infamous character, and another of no character at all. [*Laughter.*] He asked the hon. Gentlemen who laughed whether they could say there was no difference between “no character at all and an infamous character?” There was a great difference in politics between the two, and he thought there was also in morals. The authority upon which he had made the statement was the declaration of the woman herself made before a magistrate of the county of Cork, a copy of which had been forwarded to him by the clerk of the board of guardians, whom he had requested to furnish him with cases bearing upon the Motion he had given notice of bringing forward. He did not mean to say that the woman was really a Mrs. Harris, for in Ireland it was no uncommon occurrence for a married woman to give her maiden name. Therefore, though the declaration was made by Anne Harris, that was no reason for saying that she was not a married woman, and a woman of good character.

#### DESTRUCTION OF THE TURKISH FLEET AT SINOPE.

SIR HENRY WILLOUGHBY said, that he was anxious, previous to going into Com-

*Sir B. Hall*

mittee of Supply, to call the attention of the House to a portion of the naval policy which had been pursued by Her Majesty's Government with regard to our fleet in the Bosphorus. The House would remember that the Turkish flotilla at Sinope was destroyed by the Russians on the last day of November, 1853, and that a British squadron had been lying in the Bosphorus since the 1st of November. He would not then enter into the question of the harsh measures adopted by the Russians at Sinope, further than by saying that, if they had a right to destroy the Turkish flotilla, they exercised that right in a bloody and barbarous manner. The question which he wished the First Lord of the Admiralty to answer was, how did it happen that that lamentable catastrophe was not prevented? It must be obvious to the House that the instant that that catastrophe took place all hope of peace had expired; and there could be no doubt that the destruction of the Turkish fleet, under the circumstances to which he would allude, was well calculated to tarnish the hitherto unblemished reputation of British faith. He wished to be informed whether it was or was not true that Her Majesty's Government insisted upon the Turks not sending out their fleet to the Black Sea. He apprehended that the despatch of Lord Stratford de Redcliffe to Lord Clarendon on the 5th of November, 1853, to the effect that he had succeeded in persuading the Turks not to send their fleet to the Black Sea, left no doubt about the matter. Turkey had at that time a large fleet. One portion of that fleet consisted of four sail of the line and ten frigates, the latter as large as our seventy-fours, and had it been allowed to enter the Black Sea and anchor at Sinope, the result would have been more favourable to the Turks. But the Turks not having been permitted to defend themselves, it became the duty of those who commanded the British squadron in the Bosphorus to take care that no harm should be done to Turkish vessels by the Russian fleet. As early as the 5th of October, 1853, Lord Stratford declared his opinion to be that, unless they gave naval aid to Turkey cordially and frankly, Russia would finally succeed. Lord Clarendon anticipated that letter of Lord Stratford's by writing to Lord Cowley, at Paris, on the 7th of October, and on the 8th of that month to Lord Stratford, at Constantinople, ordering that the British squadron was to go to the Bosphorus from the Dardanelles. In

those letters he used the expression, "If the fleets of the Russians should leave Sebastopol, the British squadron will, of course, pass into the Bosphorus." Now, he (Sir H. Willoughby) wished to learn from the First Lord of the Admiralty how it happened that, after the Russians had notoriously gone from Sebastopol, the British squadron remained inactive in the Bosphorus, and did not enter the Black Sea? But that was not all. On the 8th of October Lord Clarendon wrote to Lord Stratford de Redcliffe:—

"It will be necessary that Admiral Dundas should inform the Russian Admiral commanding at Sebastopol, that if the Russian fleet should come out of that port for the purpose of landing troops on any portion of the Turkish territory, or of committing any act of overt hostility against the Porte, his orders are to protect the Sultan's dominions from attack."

Those instructions were despatched to Constantinople on the 8th day of October, nearly two months before the affair at Sinope, and he wanted to know from the right hon. Baronet why they were not carried into effect. The importance of those instructions was very great, because it was quite clear that if the Russian Admiral had been informed that the territories and ships of the Turks would be protected by the British and French fleets, no Russian fleet would have appeared at Sinope; at all events, such a catastrophe as that which had occurred would have been a direct offence on the part of Russia against the British and French Governments, and the consequences could in no way have been eluded by the Russians. He (Sir H. Willoughby) was so struck with that view of the matter, on reading the despatch of Lord Clarendon, of the 8th of October, that he asked the noble Lord the Member for the City of London whether the instructions contained in it had been carried into effect. To that question, the noble Lord (Lord J. Russell) gave a most extraordinary answer, for he said that the instructions had been brilliantly carried out by Captain Drummond. But that was no answer at all, for the affair in which Captain Drummond figured took place in January, 1854, and, of course, long after the catastrophe of Sinope. The noble Lord must surely have forgotten all the dates connected with this matter. No doubt, something relating to the instructions of the 8th of October did transpire at St. Petersburg, for Count Nesselrode appeared to have said to Sir Hamilton Seymour, by way of defending the

destruction at Sinope, that Russia had supposed, that England had only meant at that time to have protected the Turkish territory and not the fleets of the Turks. He (Sir H. Willoughby), therefore, wished the First Lord of the Admiralty to state why the important instructions of the 8th of October had not been carried into effect, because it was his deliberate opinion that if they had been, the lives of 4,000 Turks, who perished at Sinope—a loss greater than had occurred in some of the chief naval engagements in which England had taken part—would have been saved, and the chances of peace have been greater. The House would bear in mind the fact that the presence of a large Russian fleet, including fourteen sail of the line, in the Black Sea, was perfectly notorious. And it was also well known, that in the middle of November two Turkish steamers were actually taken by the Russians. He wished the right hon. Gentleman the First Lord of the Admiralty to explain what the British fleet was then doing at the mouth of the Bosphorus? why was it not watching, with the eyes of an Argus, the powerful fleet of Russia? Had the British fleet properly obeyed the instructions of Lord Clarendon on the 8th of October, it would have narrowly watched the movements of the gigantic power then existing at Sebastopol. But the British fleet would not allow the Turkish ships to go out; and that prohibition would, perhaps, have been a wise one if the British fleet had itself undertaken the duty of preventing the Russians from doing any injury to the Turks. After the catastrophe at Sinope, only two steam frigates went to inquire what had taken place there; and if the Russian fleet had been at Sinope, it could have made those two frigates turn tail and go back again. It seemed clear, then, to him (Sir H. Willoughby) that, all through the affair, there had been a want of vigour, foresight, and determination on the part of the authorities at Constantinople. He felt quite persuaded that the conduct of our fleet in this affair had damaged the reputation of British faith in the opinion of the nations of Europe. With regard to the conduct of our fleet towards Turkey, he was inclined to use the phrase which the First Lord of the Admiralty had a few evenings ago applied to those who quoted from the blue books in support of their arguments in the debate on the Eastern question—he was afraid that our fleet had "pottered" much

too long in Besika Bay and in the Bosphorus. The dilatory conduct of our fleet in the Bosphorus, notwithstanding the daring conduct of the Czar, was such as our military and naval history proved was likely to produce immense disasters. He was quite persuaded that the blue books did not furnish a full narrative of the affair at Sinope. The hon. Member for Roscommon (Mr. French) had, on Friday last, stated the circumstances attending that affair with great detail, but Her Majesty's Government suffered his observations to pass without remark. He (Sir H. Willoughby) therefore trusted that he should not be considered to be interrupting the course of public business if he asked the First Lord of the Admiralty to explain to the House how it was that the destruction at Sinope had happened without the interference of the British fleet? He sincerely believed that the matter required investigation.

SIR JAMES GRAHAM said, he was very far from imputing any blame to the hon. Baronet for having brought forward this discussion. On a former evening the hon. Baronet sought an opportunity of bringing the matter forward, but, by the rules of the House, he was prevented, and, therefore, he (Sir J. Graham) had not one word to say now against the course the hon. Baronet was pursuing. At the same time, he thought it would be in the recollection of the House when he reminded the hon. Baronet that in the course of a long discussion in going into a Committee of Supply on a previous occasion, this part of the matter was dwelt upon by various hon. Members, and that upon the part of Her Majesty's Government, it received what he thought a full and complete explanation. At all events, when he himself had the honour of addressing the House, he did not seek to evade this part of the case, but expressed—what was the feeling of the House, of the country, and of Europe—the deepest regret—he had almost said the most unfeigned indignation—at the outrage of Sinope, which had led to such grave results. As to the facts of the case, the hon. Baronet and himself were almost entirely agreed. The order despatched by the British Government to Lord Stratford de Redcliffe and Admiral Dundas on the 8th October was an order to protect the Turkish territories only against direct aggression on the part of Russia; but when intelligence of the outrage at Sinope arrived in England, an order was immediately

*Sir H. Willoughby*

despatched by Her Majesty's Ministers, acting in concert with the Government of France, which carried the instructions of the 8th of October much further, and directed that protection should be given, not only to the territories of Turkey, but to the flag of Turkey in the Black Sea—that means should be taken by the combined fleets to prevent any Russian ship of war whatever from navigating the Black Sea, and that if any such Russian ship of war should appear in the Black Sea, it should be requested, in the first instance, and compelled, if necessary, to return to Sebastopol. But the hon. Baronet said they had not accounted for the delay which took place in sending the entire fleet into the Black Sea. Now, upon that point, the fullest information had been given in the course of the late debate. It was stated that power was given to the English Ambassador at Constantinople, to communicate to the Russian Admiral commanding at Sebastopol, the instructions contained in the despatch of the 8th of October; but that Lord Stratford de Redcliffe, exercising a discretion on the spot, did not, at that time, think it expedient to do so; and, consequently, when the affair at Sinope occurred, the order of the British Government had not been communicated to the Russian Admiral. But the hon. Baronet said that the blue books afforded no explanation of those transactions. Now the despatches of Lord Stratford de Redcliffe, written in December, clearly proved that in his opinion the catastrophe at Sinope was owing to the culpable negligence of the Turkish Commander. This was shown by a despatch from Vice-Consul Guarracino to Lord Stratford, dated the 22nd of November, and inclosed in a despatch from Lord Stratford to Lord Clarendon (No. 336), dated the 5th of December, after the catastrophe of Sinope. Lord Stratford said,—

“Your Lordship will perceive from Mr. Guarracino's reports that the danger to which the Turkish flotilla at Sinope was exposed, had not escaped observation before the catastrophe.”

The letter inclosed from Vice-Consul Guarracino to Lord Stratford contained the following passage:—

“At the time the *Medari Tidjaret* was captured, there were seven Turkish sailing men-of-war at anchor at Sinope. After hearing of the capture of the steamer, the commander of this squadron gave orders that the ships should put to sea directly; and the steamers lit their fires to prepare, but a contrary order was issued soon after.”



The House would observe that this letter was dated eight days before the Russian attack upon Sinope took place. But really he thought he could not so well discharge his duty to the House, as to read the explanation which Admiral Dundas had given to him from time to time of these transactions. Admiral Dundas was well known to the Members of that House, and though the hon. Baronet said he had failed in vigour—[Sir H. WILLOUGHBY: I said the Government had failed in vigour.]—By the orders of the 8th of October a discretionary power was given to Lord Stratford de Redcliffe and Admiral Dundas to send the fleet into the Black Sea, in order to protect the territories of Turkey against aggression on the part of Russia. The fleet was not actually sent into the Black Sea until after the disaster at Sinope, but he might state to the House that Admiral Dundas, on the 17th of November, did offer to go into the Black Sea. Circumstances, however, arose which prevented effect being given to that offer, but it was distinctly made by Admiral Dundas, who did not deserve that any doubt should be cast on his vigour and decision. Whatever other qualities Admiral Dundas might possess, he was confident that, whenever a fit occasion should arise, he would prove to that House and the country, that neither in vigour nor in decision would he be found wanting. The gallant Admiral, writing on the 3rd of December, after the catastrophe of Sinope, said:—

“It is necessary to remark that this Turkish force of five frigates had been for weeks at Sinope, although ordered to return to Constantinople; and that Sinope is not defended by any guns, and no soldiers are stationed there.”

Writing on the 9th of December, Admiral Dundas said:—

“The cause of this calamity is the Turks leaving this squadron in so unprotected a bay for so long a period.”

He added:—

“It is most extraordinary the careless manner in which these Turkish ships have been left. For three weeks, at least, five frigates lay inactive in this open bay; and, when it is considered that since 1829 no Turkish sailing ship has been cruising in the Black Sea, the month of November was the worst time to send them out. When I arrived at this anchorage I was asked my opinion, and I frankly told them that if their ships were sent out to cruise they would certainly lose them either by shipwreck or the enemy. The steamer that did escape was one of the squadron, and left by the commander of the squadron to assist in towing out the ships from Sinope. But it appears that the two Pashas differed in opinion, and the determination not to sail was unfortunately de-

oided on, otherwise, the wind being fresh from the eastward, all would have been safe.”

On the 12th of December he wrote:—

“My letters will have told you of the unfortunate affair at Sinope, all owing to the great neglect of the Turks keeping ships in an open roadstead within 150 miles of Sebastopol.”

It appeared thus that the Capitan Pasha differed in opinion from Admiral Dundas; the ships were consequently sent into the Black Sea, and the House knew the result. Moreover, they had the testimony of Admiral Dundas to the fact that, even after they had entered the Black Sea and arrived at Sinope, the Turkish frigates were ordered to return to Constantinople, and that if that order had been obeyed, the subsequent disaster would not have occurred. Certainly, then, Admiral Dundas having offered to go into the Black Sea on the 17th of November, and having warned the Turkish authorities of the danger to which the frigates would be exposed, and that order having been given for the return of the flotilla, he still strongly held by the opinion that, though the disaster at Sinope was lamentable in the extreme, all blame was removed from the British Government and the British Admiral. Distinct orders had now been issued, both by the French and English Admirals, that no Russian ship of war should navigate the Black Sea if the English and French fleets could prevent it. He was confident that, whenever vigour and decision were required, they would not be found wanting on the part either of the British or French Admirals.

MR. BUCK said, that, whatever notice might have been given to the Turkish frigates at Sinope of the presence of the Russian fleet, no intimation of the sort was made to the single English vessel which happened to be there at the time. He regretted to say that two of the crew were murdered by the Russians, and the rest would have been killed likewise, if they had not put themselves under the authority of the Austrian Consul.

SIR JAMES GRAHAM said, there was only one English ship at Sinope, which had arrived a very short time before the attack was made. He believed the crew were placed in a most cruel position. They were attacked outside the harbour by the most barbarous and cruel fire that could be opened upon an unresisting merchant vessel, and when the crew sought to escape and to get on shore, they were exposed to outrages on the part of the Turkish population.

SIR DE LACY EVANS said, he thought that the statement which had been made by the First Lord of the Admiralty completely exonerated the British Admiral from the slightest blame in connection with the affair at Sinope. He wished, however, to ask the right hon. Baronet whether any information had reached the Government to the effect that two Russian frigates had looked into Trebizond, and stayed there for a short time? He wished also to know whether it had come to the knowledge of the right hon. Baronet that the Russian fleet was still continuing communications with the coast of Circassia!

SIR JAMES GRAHAM said, in the communications which he had received from Admiral Dundas it was stated that the screw ships of war and the steamers of the combined fleets had visited the different ports in the Black Sea. They had visited Varna more than once; they had visited the entrance to the Sea of Azof; they had visited the coast of Circassia; and with the exception of three small ships of war in a harbour near the Sea of Azof, they had never yet seen a Russian ship of war.

ADMIRAL WALCOTT said, it was not his intention to trespass on the indulgence of the House for any time, and that only in relation to the battle of Sinope. As regarded the tenor of the negotiation published in the blue books, he would simply express the persuasion which he had always entertained, that a vigorous policy was that best calculated to avert war, and that a timid policy was fraught with danger and ultimate disaster. In this spirit he saw cause for regret that, upon the occupation of the Principalities by the Russians, the attitude best befitting England was not followed, by the coincident entrance of the Black Sea by the British fleet. The noble Lord the Member for Marylebone (Lord D. Stuart), speaking, as he said, under correction of naval Members of the House, expressed his impression that a line-of-battle ship would not fire into a frigate. In such case, it would be the duty of a British line-of-battle ship to fire clear of the frigate, and if the frigate did not surrender, it would be her duty to fire into and sink it; but if the frigate were sunk, no effort would be spared on the part of the crew of the British line-of-battle ship to save every man they could. The noble Lord the Member for London expressed his astonishment that seven ships of the line,

sailing down upon, and destroying, seven frigates, should have been made the subject of congratulation by the Emperor of Russia. He also shared in the difficulty which the noble Lord felt. He could not elicit from the English language words capable of embodying the sense he entertained of the ignoble, nay, inhuman and cowardly carnage, perpetrated by the Russian Admiral and his squadron on an unresisting enemy, nor the admiration of the heroic and almost superhuman defence made by the Turkish ships. The battle of Sinope would reflect everlasting honour on the arms of Turkey, and tarnish the escutcheon of Russia with a disgrace which time would not obliterate. The right hon. Baronet the First Lord of the Admiralty stated the other night that the defenceless state of Sinope being evident, the Ambassadors of England and France had made known to their respective Admirals the necessity that the fleets should immediately proceed thither; that Admiral Dundas had responded to the communication, but that the French Admiral demurred in the first instance, in consequence of the recall of his Ambassador and a desire to avoid incurring the responsibility; and afterwards, on the arrival of a successor in the embassy, upon the ground of unwillingness at that season to risk his ships in the waters of the Black Sea. He regretted that Admiral Dundas, under the circumstances, did not consider himself justified in proceeding alone, as the British fleet was more than equal to engage any Russian fleet which could have been opposed to him. There would have been, then, but small, if any, risk of collision, or of the safety of the port of Sinope. In the first instance, however, in fair justice, he must observe that for some time past, before the 30th of November, the Russians and the Turks had been at active war on land. Under those circumstances, to destroy an enemy's squadron which had been employed in the convoy of arms and ammunition, was nothing more than an act of lawful warfare—deadly as the attendant slaughter might be, and deeply to be deplored. If such were not the design of naval operations, he could wish to have defined that course which was to be followed by opposed fleets and armies when sent out by legitimate authority to vanquish and overcome the enemies of their country. As a sailor—and he believed he should have with him all military men—and all conversant with the conduct of war

—he was of opinion that the Russian Admiral did no more than his duty by leading into the port of Sinope an overwhelming force, so as to obtain his object at the least possible risk to his own ships and men; for the highest merit and the first duty of a naval commander was to bring his fleet out of action in as efficient a state as possible for resuming hostilities, and the circumstance of taking a greatly superior force would have been an act of humanity, if properly used. It was his subsequent conduct which eluded his squadron and himself with condemnation and detestation. To turn to the larger question from this distressing subject, the fate of an empire which adjusted the equilibrium of European power was now at stake—a State considered to be so feeble and tottering by its northern enemy as to be ready, at her shaking, to crumble into powder. He exulted in knowing that she was not to be left to her own heroic defence, that she was not now to be unsupported in her struggle for independence—not now to be uncared for, when she called for help to that nation which had ever been the protector of the weak. On the deliberations and voice of that House depended the extension of that aid and succour which was submitted to its consideration in the estimates now lying on the table, and which would, he trusted, place the military and naval forces of the country in a condition to fulfil the expectations of the nation. He would only observe that no country was more guilty of evil consequences, than that which underrated the power of the country opposed to it, or undervalued its means of defence. It was to be borne in mind that Russia had always gained more by diplomacy than by arms. She began her career by assuming to be the protector of Poland, the Crimea, and Circassia; she ended by being the tyrant. So, now, would she claim the protectorate over 12,000,000 of Greek Christians in Turkey. The Czar, under the specious mask of sympathy with his co-religionists, aimed at a dominion that would vanquish and enslave all Christendom. Russia had already wrested from Sweden a domain larger than the remains of her own ancient kingdom; from Denmark, Norway; from Poland, as much as the Austrian empire; from Turkey in Europe, as much as the dominions of Prussia proper; from Turkey in Asia, as much as the Rhenish

provinces of Prussia, Belgium, and Holland; from Persia, as much as England. In sixty-four years Russia had advanced her frontier between 800 and 900 miles towards Vienna, Berlin, and Paris; between 400 and 500 miles nearer to Constantinople; within a few leagues of Stockholm, and 1,000 miles nearer to Teheran and India. She was now coiling round the south and east of Austria. The safety and policy of Europe required a barrier against Russia; she must not extend her jurisdiction and supremacy over the East, or make the Baltic and the Black Sea Russian lakes, or the Sound and the Bosphorous the bases of her colossal stride. She must not be allowed to threaten the Mediterranean and the high road to India. A stand must be made, and the limits of Russia must not be transgressed. On the part of France and England the war would not be one of ambition, but a patriotic war, undertaken to preserve their interests, while Russia threatened the balance of European power, extended her frontier to the prejudice and peril of independent States, enlarged the bounds of the protectorate which she at present exercised in Germany, and aimed at converting Constantinople into a centre of future conquests and the metropolis of a universal empire. Steady, aggressive, and unscrupulous in her course for more than 100 years, her ambition would be contented with no less a destiny. He made no question but that this country would emerge from any position, however difficult, in which she might be placed, with increased honour shed on the sister services, and with additional renown to her already high name among all the nations of the earth.

MR. DRUMMOND: If this country expects to be well served, it becomes this House to set its face strenuously against unprofessional observations on the commanders it employs. It seems to me a matter of wonder that any one should have insinuated that Admiral Dundas has, in the remotest degree, shown a want of energy and decision. Many years ago I was sailing with him in the Mediterranean, and he said to me, "Some day or other I shall be an admiral; there will be a war; I shall be commanding here; and the worst thing I shall have to contend against will be the satiric observations of ignorant people at home." And I remember well he added, "When the time arrives I shall

quote you as a witness that I told you this many years ago."

MR. FITZSTEPHEN FRENCH said, he so far agreed with the hon. Member for West Surrey that civilians ought to abstain from criticising professional details, but he could not concur in thinking it no part of the duty of the British House of Commons to discuss when the English fleet ought or ought not to act. He rose, however, to call attention to the manner in which the right hon. Baronet the First Lord of the Admiralty had altogether evaded the questions put to him by the hon. Member for Evesham (Sir H. Willoughby). The hon. Member required some explanation of the inactivity of our fleet, when it had been represented that Admiral Dundas was under orders to go into the Black Sea. The right hon. Baronet's (Sir J. Graham's) reason for that inactivity was that, a change of ambassadors occurring about that time, the French Admiral declined to enter the Black Sea at that period. It appeared to him (Mr. French) that it was not so very essential that the two fleets should advance side by side, especially as it must be recollected the French fleet proceeded to the Greek waters whilst the English fleet remained at Malta. Admiral Dundas had thirteen sail of the line, a fleet perfectly sufficient to have swept the Black Sea and driven the Russian fleet into Sebastopol. He did not attempt to explain why English interference was used to prevent Admiral Slade entering the Black Sea at the head of a squadron perfectly able to compete with the Russian fleet. The right hon. Baronet shook his head, as if he thought that was not the case, but it was Admiral Slade's own opinion, it being his intention, if, entering the Black Sea, he did not find the Russian fleet at Sinope, to go round by Circassia to search for it; and he said in a letter, that they might expect in a few days to hear of a conflict between himself and the Russians. It was his opinion that with the Egyptian and the Turkish line-of-battle ships combined he should be able to attack and destroy the Russians. The right hon. Baronet had said that Lord Stratford de Redcliffe had attributed the disaster to the Turks themselves; surely he must have forgotten the despatch in which Lord Stratford de Redcliffe wrote, "I cannot disguise from myself the fact that, had our fleet gone into the Black Sea, this disaster would not have happened." He

was, however, glad to hear that there was no foundation for the report that serious differences existed between Admiral Dundas and Lord Stratford de Redcliffe, and that there was no truth in the assertion that the gallant Admiral would not obey the orders of Lord Stratford de Redcliffe without seeing the despatches from the Government, claiming a right to put an interpretation of his own upon those important documents. No person, after reading the papers before the House, could charge Lord Stratford de Redcliffe with not acting vigorously, without doing great injustice to that noble Lord. At the same time, the personal prowess of the gallant Admiral was known to them all; and, no doubt, if not fettered by the noble Lord at the head of Foreign Affairs, he would be able, there was little doubt, by and by, to give a very good account of himself.

LORD DUDLEY STUART said, he felt that the House was very much obliged to the hon. Baronet (Sir H. Willoughby) for raising this discussion, and that the Government could not possibly be surprised that an affair which had excited so much indignation as the catastrophe of Sinope should be fully discussed by the House of Commons. He looked upon that catastrophe as occasioned by the hesitating, feeble, and vacillating policy pursued by the Government, which had aroused such a deep feeling of indignation, not only in this country, but throughout Europe; but he was rejoiced to see that they had at length discovered their error, and were preparing to pursue a firmer and more energetic course. In his opinion the combined fleets ought to have been in the Black Sea long before it was, and by his despatches it was plain Lord Stratford greatly regretted that such a measure was not taken. As early as the month of October it was in the contemplation of the two Governments, and instructions were sent to the Ambassadors to send those fleets to operate wherever they might judge it to be necessary for the protection of the Turkish territory. It appeared in the despatches, both from London and Paris, that if the Russian fleet came out of Sebastopol, the combined fleets were, as a matter of course, to enter the Bosphorus. He believed that, although the whole of the Russian fleet might not have come out in a body from Sebastopol, yet for a very long period previous to the affair of Sinope a large portion of it was cruising in the Black Sea. When at Con-



stantinople, he heard the Russian fleet described as a very powerful and formidable fleet; and when he went on board the Admiral's ship at Besika Bay, he asked the officers how that was known, since no one had had any opportunity of observing it. The answer he received was, "It is true we have not seen the Russian fleet, and have had no opportunity of observing it; but this we know—it has kept the Black Sea for two months, which no other fleet has done, and therefore it cannot be a very bad one." He could not conceive that the Ambassadors would not have thought it their duty to send the combined fleets into that sea to meet the Russians if their general instructions had not been to avoid any possible chance of collision. He looked upon that policy as weak and feeble, and very unlikely to conduce to that peace which was so much desired. He was exceedingly glad to hear the explanation which had been given by the right hon. Baronet the First Lord of the Admiralty with regard to the readiness of Admiral Dundas to go into the Black Sea, because he thought that completely relieved Admiral Dundas from any imputation of showing reluctance to be there. It was unfortunate that offer was not accepted, and it was unfortunate that the Turkish Government was dissuaded from sending the fleet of Admiral Slade into the Black Sea. The Turkish ships were very fine ships, and manned by very gallant men; and if the whole of the fleet had been at Sinope, most probably the Russians would not have attacked them at all, or, if they had, the Russian fleet would have been beaten off. In either case the catastrophe of Sinope would have been averted. He agreed with his hon. Friend opposite (Sir H. Willoughby), that, bulky as the blue books were, they did not afford a narrative of all the circumstances which had led to this war, nor did they contain all the information which they ought to contain. It was stated in the papers that the Russian Admiral issued a kind of manifesto to the Austrian Consul at Sinope, justifying the attack on the Turkish fleet. That document was not to be found in the blue books; and there were others, he understood, which would throw light upon the subject. Other documents, he had been given to understand, were in possession of the Government, and he wished to ask whether no report as to the situation and capacity of Sinope as a harbour had been received which could be laid on the table

of the House? But if, before the catastrophe at Sinope, a reluctance had been shown to enter the Black Sea, why was that reluctance continued after that dreadful event? That fearful event, which the noble Lord had so well described as the butchery of Sinope, occurred on the 30th of November, and the fleets did not leave the Bosphorus until the 5th of January. It was also much to be regretted that they remained only a short time in the Black Sea, and then returned to Beycos. He was told the Black Sea, though deficient in harbours, and subject to fogs and violent gales, was remarkably free from rocks and shoals; and although there was no port at Sinope, the holding ground was so good that the largest ships might anchor there in perfect safety. There might be some difficulty in getting provisions and water at Sinope, but that might have been overcome, and ought, in his opinion, to have been encountered, when the great and paramount object, as borne out by the despatches, was to sweep the Russian flag from that sea. How, he would ask, could that be done if the fleets did not remain in that sea? He knew when they came back to the waters of the Bosphorus it greatly discouraged the Turks and elated the partisans of Russia. The Greeks all said, the reason why they came back was because they dare not meet the Russian fleet. Such an observation might, from its absurdity, raise a smile on the countenances of hon. Gentlemen here, but he had no doubt that was the impression conveyed to the minds of the Greek population, and that they believed it sincerely. Orders were mentioned in the despatches that the Admirals were not to allow the Russian fleet to appear in those waters, and if a Russian fleet appeared they were to call upon it to retire, and if not assented to to have recourse to force. The words were very fine, and sounded very bold; but, as he was informed, the Russians had taken no notice of them, had continued to navigate the Black Sea, and to make direct aggressions in the Turkish territory. In the letter of an intelligent officer in one of the ships of the combined fleet, addressed to himself, he found it stated that scarcely had they retired from Batoum when the Russian ships of war cannonaded Fort St. Nicholas at the same time that it was attacked by land. The Russians were, however, repulsed. That was on the 4th of January, and a few days afterwards they cannonaded another small fort,

a few miles east of Trebizond. He could not blame the French and English Admirals. He could understand why they should have very little relish for half measures, and not like to expose their ships without having anything considerable to accomplish. He could not but express his surprise at the answer he had received to a request to lay on the table of the House a despatch of the Prime Minister, which the noble Earl had quoted as a proof that he did not deserve to be attacked for any undue predilection for the Government of Russia. The noble Lord (Lord J. Russell) told him that there was an objection to produce that despatch. He (Lord D. Stuart) always thought it was a rule that the country had a right to see any public document referred to by a Minister of the Crown in Parliament, and he trusted his noble Friend would reconsider the answer he had given to him. He trusted, however, that the time was now come when half measures were to be superseded by vigorous action, and when such a course should be enjoined on our admirals, and such a spirit imparted to every officer and seaman in our fleet, as would enable them to sustain with honour the proud position which this country had hitherto enjoyed. After the speech of the noble and eloquent leader of the House, who exposed the conduct of the Emperor of Russia, and told them England was determined to restrain his ambition, to chasten his presumption, to assert the rights of Turkey and the liberty of Europe, and after the address of the noble Lord the Secretary for Foreign Affairs, who, in another place, had proclaimed his intention of arresting the aggressions of Russia, putting a check upon the unscrupulous conduct of that Government, and, above all, of procuring a solemn guarantee that the peace of Europe should not be disturbed at the simple will of an ambitious Autocrat, he thought they could not but give a hearty support to the Government in carrying out these designs, and ought not to criticise with too great minuteness the actions of their officers.

CAPTAIN SCOBELL said, that the hon. Member for Roscommon (Mr. F. French), in answer to the hon. Member for West Surrey (Mr. Drummond), asked, should not the House of Commons determine whether the fleets should go into the Black Sea? He would answer—the House of Commons could not tell. It must depend on the winds and weather. It was utterly impossible for them to sit there and con-

*Lord D. Stuart*

duct the Black Sea fleet. It was also utterly impossible for the British Ambassador at Constantinople to conduct it. The head of the fleet, the Admiral in command of the fleet, if he received orders from the Ambassador, must still judge of the condition of the weather at the time he received those orders. It had been said, why did not the English fleet go alone into the Black Sea? Why? Would not such a course have been most unwise? Would not the Government, by such a step, have incurred the risk of embarking in a war with Russia without France? We should have committed an aggression. France would have committed no aggression; and yet some Gentlemen would have had us alone attack the Russian fleet without any declaration of war. Then it was asked, why did they not permit the Turkish fleet to go and thrash the Russian fleet? There was one portion of the Turkish fleet at Sinope, and that was not equal to meet the Russian fleet. Admiral Slade was a gallant man, and might have attempted it; but if the Russians had known the whole Turkish fleet was in the Black Sea, instead of seven sail of the line, they would have brought out fourteen or fifteen sail of the line, and overwhelmed the whole of them. The portion of the Turkish fleet which was destroyed was lying, as they had heard, for weeks at Sinope, doing nothing, except tempting the Russians to come out and destroy them; for 150 miles, the distance between Sinope and Sebastopol, was only a few hours' sail with a fair wind. He agreed with the hon. and gallant Member for Christchurch (Adm. Walcott), that there was quite enough of war between Turkey and Russia to justify the Russian Admiral in the attack he made under circumstances of great advantage, but he would not attempt to justify the horrors of the massacre at the termination of the action. Then it must be remembered that until the battle of Sinope the orders only were to protect the Turkish territory. It was the battle of Sinope which drew forth the order to send Russian vessels back to Sebastopol, even by force if necessary. That was a very different state of things. But for that battle such an order would not have been given so soon. It only astonished him that Russia had not treated it as a declaration of war. Russia had, however, put up with the affront, for affront it was; and he supposed, even now, if the combined fleets met a Russian squadron,

they must tell them civilly to go into port, and if they as civilly consented, no shots must be fired, but the Admirals must take off their hats to each other, and say they were mutually obliged. The House must recollect that the Black Sea was a very dangerous sea, and that a fleet at sea required a great deal of room, and that its movements must always be regulated by the slowest ships belonging to it. He really thought, as far as he was able to judge of the conduct of the Government, that they had taken steps in advance of the circumstances; for it was something new to hear it said, even before there was a declaration of war, that the fleets of another nation were to be forced back into port. Let them stop until war was declared, and then he had no doubt that the hon. Baronet (Sir H. Willoughby) and the noble Lord the Member for Marylebone (Lord D. Stuart) would be perfectly satisfied with what the British fleet would do. Nothing could be more irksome than for a fleet to be placed in such circumstances, and to be kept without orders to act; but only let those orders be given, and he was sure that the same energy, and decision, and vigour in action would be shown which had always hitherto characterised the Navy of this country.

LORD JOHN MANNERS said, that no information had been afforded to the House with regard to the attack of the Russians upon Fort St. Nicholas, and he thought that, if such information had been received, it ought to be laid upon the table. He wished to know whether Her Majesty's Government were in possession of any information on that subject, and, if so, whether they were prepared to lay it before the House? The people of this country seemed to think that whenever the British fleet was withdrawn from the Black Sea there was certain to be some fresh aggression on the part of Russia, and he therefore considered it important that the Government should produce any information which might be in their possession with respect to the attack on Fort St. Nicholas.

MR. SANDARS: It is not my intention, Sir, to trespass upon the time of the House, or to prevent its going into Committee of Supply beyond a very few minutes. The untoward affair at Sinope was, all must admit, a most unfortunate event, and characterised, on the part of Russia, by the greatest cruelty and barbarity, and, as expressed by the noble Lord, was "a horrid butchery of the Turks whilst lying peaceably in their own har-

bour." After listening to this discussion, I find a difficulty in deciding where to lay the blame. The right hon. Baronet at the head of the Admiralty says, the Turks alone were to blame for their loss at Sinope, as they had been lying there for several weeks in a most unguarded state; and, further, had been warned of their danger by our Ambassador at Constantinople. Another hon. Gentleman lays the blame on Admiral Dundas for not following out the orders and instructions he had received. Again, the hon. Baronet below me, who originated this discussion, says the fault was with our Ambassador in not allowing Admiral Slade to proceed into the Black Sea with the rest of the Turkish fleet, which fleet was fully able to have protected the fleet at Sinope, and to have coped successfully with that of Russia. I repeat, I find it impossible to decide which of these statements is correct, and who is to blame for this bloody massacre at Sinope. But, Sir, I may be allowed to express my belief that if our Government had been more energetic at the commencement of these Eastern difficulties, if an early expression of our ultimate intentions had been given to Russia, if the passage of the Pruth had been made a *casus belli*, then I believe we should not have been at this moment on the eve of a terrible war, of which no one can foresee the end. As we are about to embark in this war, let it not be barren of results. We want, first, security from Russia against her invading prosperous and peaceful countries. We want also the abrogation of the old treaties between the Porte and Russia, and the renunciation on her part of all control over the Principalities and of Servia; the restoration of the mouths of the Danube to the Porte, and the opening of the Black Sea to the fleets and ships of all nations. These are the objects we have to accomplish, and without which we shall have entered on a bloody and costly war to very little purpose. In fact, if we go to war, we should not be at war for nothing, but demand from Russia a *quid pro quo*, not a hollow peace, putting off the evil day for a few years when we may not be in the same favourable position as at present for repelling her aggression. We are now at peace with all the world—France our firm ally, Austria and Prussia favourable to our policy; Russia stands alone. I have said that the Government made a mistake in not acting with more energy and determination at the commencement of this affair;

yet, at the same time, I give them the credit of intending to act for the best, with a laudable desire to preserve the peace of the world, and I am willing to give them my support, and to vote the necessary supplies to enable them to carry on the war with vigour, in order to bring it to a speedy termination. I do not see the hon. Member for the West Riding (Mr. Cobden) in his place. I heard his speech the other night with regret. It was, as usual, an able speech, but in my opinion a most dangerous one; and, I venture to say, not expressing the opinions of that great and enlightened constituency which he represents in this House. The hon. Gentleman said he did not wish to see the Czar in possession of Constantinople, but that he would not go out of his way to prevent it. He further advised the Government to accept of the celebrated Vienna note, and induce Turkey to accede to it, and this after it had been repudiated, not only by Turkey, but by this country, France, Prussia, and Austria. Sir, these are not the opinions of the constituency of the West Riding. I ought to know what their feeling is on this question, representing, as I do, a borough in the very heart of that constituency. I remember hearing a speech from the hon. Gentleman on this subject at the close of the last Session; I said at the time it was a speech calculated to do much harm at foreign Courts; and this has since been confirmed from more quarters than one. The right hon. Gentleman the Secretary at War declared the other night that he knew it had had an unfortunate bearing on the present state of affairs between this country and Russia. The Czar put confidence in the statements of the hon. Gentleman, and believed that we should never go to war to support, as the hon. Gentleman said, so weak a Power, and one that would not long exist as a European Power; that the Mahomedan religion could not exist along with the Christian religion; and that, in fact, it was useless attempting to defend Turkey. The hon. Gentleman has, no doubt, great influence with certain parties in this country, and perhaps still more with foreign Governments, as having been at the head of a large and successful party; but in proportion as the hon. Gentleman's influence is great, so ought he at the present crisis to be more guarded in the expression of his peculiar opinions. In conclusion, Sir, I must say, much as I abhor war, and I yield to none in my dislike to it, still I am not sorry that the last

*Mr. Sandars*

protocol from Vienna was not accepted by Russia; nor do I regret that the proposals in the letter of the Emperor of the French were not accepted. The people of England wish to have the Black Sea thrown open to the ships of all nations; they wish that the mouths of the Danube should be again placed under the sway of Turkey. Hon. Gentlemen are not, perhaps, aware of the great loss and inconvenience which have been experienced by commercial men in this country owing to the imperfect state of the Sulina mouth of the Danube, and I believe Russia has an interest in keeping it in that state. In fact, the time has come when Russia must be taught to respect the independence of other countries, and to give securities for the preservation of peace for the future.

MR. MURROUGH said, the hon. and gallant Member for Bath has justly stated, that it is impossible for this House to conduct the fleet in the Black Sea; and it is at least equally impossible for the hon. and gallant Member himself to judge of the ability of Admiral Slade to estimate the relative strength of the Russian squadron and of the armament under his own command. And if the hon. Gentleman the Member for Wakefield, who spoke last, had considered all the circumstances connected with our Eastern diplomacy for the last thirty years, he would have been at no loss to apportion the blame or to arrive at a clear conclusion as to the cause of the existing difficulties. He would have been enabled to point out not only the measures, but almost the men who had created them; although, perchance, I myself might have been diverted from the consideration of those measures by the invective which has been heaped upon the noble Lord the head of Her Majesty's Government, and the acclamations which have been bestowed upon the noble Lord the Member for Tiverton—invective and acclamations, in my opinion, equally undeserved—had it not been that these plain questions have been so often put, and as often evaded, why was Admiral Slade prevented from protecting the Turkish flotilla at Sinope? Why, and by whose orders, was he told that, if he entered the Black Sea, the French and English fleets should go back to the Mediterranean? Why were those fleets made the means of intimidating the Power which they were sent out nominally to protect? The noble Lord the Member for Marylebone has referred to the withholding of a despatch. I apprehend that, under our



system of government this House has a constitutional right to insist upon the production of this despatch, but we are not without a precedent for withholding important papers. In the years 1831, 1832, and 1833, momentous events were taking place. The Pasha of Egypt had embarked in a struggle with the Sultan for securing to himself the independence of his throne and the pashalic of Acre, in the autumn of 1831; his forces commenced their march in July, 1832, and after various successes, his army passed the Taurus and was almost at the gates of Constantinople. In this extremity the Porte appealed to England for protection and Russia joined in that appeal. However, the noble Lord the Member for Tiverton, who at that period held the portfolio of Foreign Affairs, refused his interference; and in September the battle of Kornah was fought. In December, Lord Ponsonby was appointed Ambassador to the Porte; but amusing himself in Italy, after the fatigues of his diplomatic exertions in Belgium, he did not reach Constantinople until May, 1833; during this important and critical interval, England was represented at Constantinople by an ordinary secretary of legation. It was under these circumstances that Russia tendered her assistance to the Porte, and her fleet anchored in the Bosphorus; and in a few days afterwards, 2,000 Russians encamped on the Asiatic side, the consequence of which was, that Count Orloff, in July, 1833, extorted from the Sultan a treaty, by which he closed the Dardanelles to all Powers at war with, and virtually surrendered himself to Russia. That treaty has never been laid upon the table of this House; it was required by Mr. Sheil in 1834, and he was told by the noble Lord, that its production at that period might affect our diplomatic negotiations with Russia and endanger the peace of Europe. It was again asked for in 1837, and the noble Lord, with much effrontery, told the House that it had been produced three years before. Is the same thing, I ask, to happen again? Are we to be told three years or three months hence that this despatch which is now withheld was produced on this occasion? There is a growing feeling in the country that the armaments which are being sent forth are intended, not for the protection, but for the partition of Turkey; but I caution the Government not to become the antagonist of the people. As the sword has been drawn with reluctance, the scabbard must not

be resumed without consideration; the people will not be well pleased with barren exertions; they will not permit any Minister to lose in diplomacy that which may be bought with blood. The Euxine must be free to every flag; the ports of the Danube free to every sail; the punishment of Russia must be severe, as it has been tardy; it must be worthy of the nations which inflict it. And if the necessity arises, they must be prepared to circumscribe within the original limits of a Muscovite dukedom a Power that would not only efface the prescriptive confines of Turkish empire, but eradicate the civilisation and trample upon the liberties of Europe.

MR. PHILLIPS said, he thought it was useless to enter into a discussion as to what might have been the result if a different course of action had been adopted by Her Majesty's Government. He considered that the House ought to adopt one of two courses—either to say that the Government had so completely mismanaged matters during these long negotiations that they were unfit to be trusted with the conduct of the war; or to give them the confidence of the House, and allow them to adopt such measures as they deemed requisite. He hoped that, as he was the least important speaker in that debate, he might be the last, and he would only add that he was prepared to give his humble support to any measures that might be necessary for carrying on the war.

LORD JOHN RUSSELL said, he trusted that the suggestion of the hon. Gentleman who had last spoken would be acted upon by the House, and that this discussion might now be considered as finished. He (Lord J. Russell) would have been very glad if he had been able to answer correctly, at that moment, the question of the noble Lord opposite (Lord J. Manners). On a former evening he (Lord J. Russell) had with him in the House the papers relating to that subject; but, as he had not those papers with him now, he was not sure that he could give the noble Lord a correct description of what had occurred. There had been rumours, which afterwards turned out to be false, of an attack upon the Turkish coast; but there had been an attack by land upon the fort of St. Nicholas, and an attack was also made by three small steamers upon a fort near Trebizond, but on the firing of a few shots they disappeared. Nothing, in short, of any serious kind had

occurred since the disaster at Sinope. On the other hand, Sir Edmund Lyons had gone twice with a squadron to Batoum, and had convoyed vessels containing a large number of troops. Another squadron of English and French steamers had gone to the neighbourhood of Sebastopol; they had sailed to the entrance of the Sea of Azof, and they had only seen three small Russian steamers at anchor. He was assured that no Russian men-of-war had been seen at sea by the various vessels of the combined fleets which had been despatched in different directions. The squadron sent to Varna could not observe any Russian men-of-war; and, in fact, the Russians had not kept at sea since the orders were given to the combined fleets subsequently to the affair of Sinope. He (Lord J. Russell) had no further statement to make to the House at that moment, and he hoped they would now go into Committee of Supply.

#### SUPPLY—NAVY ESTIMATES.

House in Committee, Mr. Bouverie in the Chair.

(1.) 50,000*l.*, Royal Naval Coast Volunteers.

MR. W. WILLIAMS said, he would now take the opportunity, which he could not do when, on a previous occasion, the estimates were first brought in at two o'clock in the morning, to make some general observations respecting them. He begged, in the first place, to call the attention of the First Lord of the Admiralty to the number of admirals. It appeared by these votes that there were sixteen admirals on active service, only ten of whom were employed on board, the other four being what were called port admirals. Against these there were 261 admirals in a state of idleness, receiving half-pay or on the pension list. Again, take the captains; there were ninety-three captains and 127 commanders, making a total of 220 on the active list, against 464 in a state of idleness. Then again, as to lieutenants and masters, there were 519 employed, against 1,143 unemployed. Really this exhibited a monstrous state of things, and he hoped the right hon. Baronet would take the subject seriously into his consideration. Only think of 755 officers of all ranks being employed in a fleet the most powerful ever sent out by this country, and 1,868 in a state of idleness. He (Mr. Williams) must say that, since the present First Lord of the Admiralty had

*Lord John Russell*

been in office, he believed the management of that department had been much more economical and efficient than was formerly the case; but he wished to call the attention of the right hon. Baronet to the fact that, since the termination of the last war, there had been an expenditure of 62,500,000*l.* upon wages, machinery, and other items in the dockyards, and he would like to know what practical advantage the country had derived in return for such vast expenditure. There had also been, within the same period, an expenditure of 10,500,000*l.* for the enlargement of dockyards; only one new one, that of Pembroke, having been constructed. If the right hon. Gentleman would take stock of the ships, putting a fair value on them, and making a most liberal allowance for repairs, he ventured to assert he would find at least 25,000,000*l.* of money that could not be accounted for—that had been squandered in extravagance, mismanagement, and inability in the dockyards. Ships had been altered, and almost made entirely new, two or three times over. He also wished to call the attention of the right hon. Baronet to the large expenditure of naval agents at different stations, for taking care of stores, ammunition, and various things. They had large establishments belonging to the Navy department, and still larger for the Ordnance and commissariat department, all at the same place. He thought a saving might be made, if the same agent conducted the three departments. He would also suggest that a savings bank should be established for the Navy.

SIR JAMES GRAHAM said, he must thank the hon. Member for the support which he had given to the Government in reference to these estimates hitherto, and would gladly answer his observations, although they had no direct reference to the vote immediately before the Committee. And, first, with respect to the number of officers on half-pay, beginning, as his hon. Friend had done, with those of the highest rank. His hon. Friend must be aware that this question had been very closely examined by the Committee on the Naval Estimates, of which the noble Lord the Member for Totness (Lord Seymour) was Chairman; that the number of admirals on the active list was at that time considerably larger than at present; that, in conformity with the recommendation of that Committee, the number had been reduced to 100, at which it remained fixed; that the pro-

motions were only made one by one from the list of post-captains as vacancies occurred; and that all brevets had ceased. With respect to captains and commanders, the rule which limited the promotions to one for every three vacancies, was strictly adhered to, and there was every desire upon the part of the Admiralty to reduce the number to the minimum consistent with the efficiency of the service. With respect to the lieutenants, the number on the effective list had been so much reduced, that in the armaments which were now taking place, they had really immense difficulty in getting the number they required; and he did think, that with respect to that list, some reconsideration of the rule now in force would become essential; and if brevets were to cease, as he thought they ought in reference to the higher ranks, he did think that some promotions from lieutenants to commanders would be found indispensably necessary in order to afford encouragement to this most important and hard-working class of officers. With respect to the expenditure for wages and materials in the dockyards, his hon. Friend should recollect the immense changes which had lately taken place with respect to the construction of ships; first, from sailing vessels having given way to paddle-wheel steamers, and still more recently from the introduction of the screw. It was impossible that changes so considerable could be made without expense; but considering that it was our duty at all times to maintain our position as the greatest naval nation in the world, he, for one, did not regret that we had so large a number of vessels in ordinary, because it had been shown that they could be converted into most effective screw ships at a very moderate expense. The experiment of placing the navy agency in the hands of the commissariat had been tried to a certain extent at Hong Kong, but it had been found to produce so much confusion in the accounts, and so much disadvantage to the naval service, that he had felt himself bound by a regard to the efficiency of that service to require that it should be abandoned. With respect to the encouraging of savings banks, he must inform the hon. Member that facilities for investment had been given to our seamen twenty years ago, but it had not suited their tastes to avail themselves of it, and he regretted to say, that the sums invested hitherto had been comparatively small. He admitted the great importance of the sub-

ject, and his attention would continue to be, as it had been, anxiously directed to the subject. He attributed the difference between our soldiers and seamen in this respect to the difference in the mode in which they were paid. The wages of the seaman were allowed to accumulate for a long time, and he received a large sum at once when the ship was paid off at one or other of the outports, where he was subject to immense temptations to spend it prodigally. He thought it most desirable to assimilate the two services in this respect, and he trusted his hon. Friend would give him credit for a desire to introduce the change at the earliest moment at which it could be advantageously made. He did not think the present time—when they were entering different classes of men under different circumstances, and at different rates of pay—was a favourable one to make the alteration, and he could not positively say that he would propose it during the Session. He should, however, lose no time in doing so when an opportune moment arrived; for he looked upon it as of great importance, and as likely to have a very salutary moral effect upon the character of the men.

CAPTAIN SCOBELL said, on the subject of officers' ages, that you could not blame old officers for having become old. A new system was wanted, and the active list ought to be reduced by at least one-half. At present we had officers enough for the whole navy of the world, enough for the navies of two worlds in fact. He thought it very right to have such a force as the naval coast volunteers, but felt bound to call attention to an existing impropriety in the way of raising them. We wished very wisely to say nothing and to do nothing with impressment, but according to the representations of the newspapers, the officers who went along the coast making speeches to obtain volunteers, constantly told them as an inducement, that if they entered there they would be free from impressment. That was the very worst thing they could do for the general service. He wished to know why, when these volunteers were given a bounty, none was allowed to able seamen? The sailors had never been tried under that system; but he believed that, of all bodies of men, sailors were most easily accessible by ready money. They wanted it; when he was a midshipman he recollected it himself. They did not like to come and offer themselves when they were out at elbows;

and such a bounty would enable them to get clothes. He believed the answer to him was, that there were plenty of men to be got without a bounty, and that, therefore, to give one would be to incur a needless expenditure. There might be plenty of men, but he doubted whether there were plenty of seamen, else why call the coast guard into service? Why rummage up old pensioners? Why these appeals to the owners of yachts? They should treat the sailor as nearly as possible as they did the soldier, and not refuse him a bounty when asking him what they never asked before—that he should give them ten years' service—place his body at their disposal—go in what ship, to what climate, and to what duty they pleased. Let this be given only to the able, trained seamen; but let it be remembered that they had grown into a less careless and a more thinking race, and that they believed themselves, in this matter, to be treated with injustice.

SIR JAMES GRAHAM said, that without impugning the excellence of the hon. and gallant Officer's motives in these suggestions as to bounty, he still thought that if any course could be taken calculated to thwart the operations of the executive Government at the present time, it was this constant recurrence to the question of bounty. As matters stood at present he had not the least intention of offering a bounty, and thereby entailing—as thereby he should entail—upon the country an immediate expenditure of 200,000*l.* Why was that sum to be expended unless there was an absolute necessity for it? Such necessity, as far as he could see, had no existence, and without it that expense could not, of course, be justified. Greatly to the credit of our seamen he said it, that, although some few months ago there was difficulty in getting men for the fleet, just in proportion as danger had been increasing, the willingness of the sailor to enter without bounty had increased also; and since the certainty of war had become clear, the whole population of the country, more especially the seafaring population, had come forward with a spirit which it was impossible for hon. Members of that House too much to admire. There was, then, no need of a bounty, especially since the addition of pay last year in consideration of enlisting for long service, the care now taken to prevent arbitrary punishments, and the mitigation of secondary punishments in the Navy were better known and more fully appreciated. The bounty offered

*Captain Scobell*

to the naval coast volunteers was offered them because they were on the same footing as the militia; the Army and Navy were not on the same; and as to the bounty given to the soldier, none was offered which was not consumed at once for necessaries on first joining his regiment. So, in the Marines, the bounty was consumed in furnishing necessaries. If the hon. and gallant Member was not desirous of putting difficulties in the way of the Government, and of incurring needless expense for the country, he would now let this subject drop.

SIR GEORGE TYLER said, he thought it would be extremely useful to the Committee if some information could be given them as to how the force of naval coast volunteers had been raised, and whether the number of men who had come forward—many of whom could not be altogether seamen—was equal to that for which the vote had been taken last year. When the subject was before the House last year he took an occasion to express an opinion, which was met with ridicule by an hon. and gallant Admiral as rather an antiquated notion. He still believed that we must depend on the mercantile marine for the manning of the Navy, and experience had since shown that he was correct in that belief. It was most desirable that there should be always at hand a sufficient supply of sailors for continuously manning our fleet when required. The plan proposed, in a pamphlet written by Admiral Bowles, was, that there should be a naval militia, independent of the coast volunteers, formed along the coast, and within five miles of it; and also, that there should be a quota establishment for each great seaport town in England. This force the author proposed to divide into classes; and he suggested that the first class, composed of men of from eighteen to thirty years of age, should be made available for the service of the Royal Navy for a certain fixed period, liable to be called out like the militia, and with equal bounties and advantages. The second class would consist of men between thirty and forty years of age, liable to limited service in the United Kingdom; and in this way a force would be established which would be at all times available. He hoped the right hon. Gentleman would give to the plan of the gallant officer that consideration which he (Sir G. Tyler) thought it deserved.

ADMIRAL BERKELEY said, he must disclaim any intention of ever ridiculing what fell from the hon. and gallant Mem-



ber who had just spoke. In stating that the Navy brought up men for her own service, and did not get them from the merchant service, he had stated what was the fact; and he might mention that it was illustrated in the case of a ship at Devonport the other day, into the circumstances of which he had inquired. The character of all the men was good; and when he came to analyse that ship's company, he found that the whole of the men, with one or two exceptions among the petty officers, were brought up in the flag-ship at Devonport. His intention was not to disparage the merchant service; but he repeated what he had said, that we were raising the very best men for our own ships and our own service. We had, however, in very many instances, received from the merchant service ordinary men, who no doubt would, in due time, make very good seamen. The coast guards were a very fine body of men, and captains spoke of them in terms of the highest praise. The enrolment of coast volunteers had only been going on for three weeks, and it was almost impossible at this early stage to say how it would proceed. However, already the force amounted, in these three weeks, to about 1,000 men.

CAPTAIN SCOBELL said, he wished briefly to recur to the subject of the bounty. The First Lord of the Admiralty had told them that what he (Capt. Scobell) was saying would prevent the manning of the Navy. His argument was, that it assisted the manning of the Navy. How could a bounty retard the manning of the Navy? He had been misunderstood if it was supposed that he would give it to a single man who did not enter for twenty years; and this must be considered as against the right hon. Baronet's estimate of 200,000*l.* expense, arising from the adoption of this course. He would exclude ordinary seamen and landsmen altogether; but he wanted to see the better class of seamen brought forward by the bounty. His sole object was to assist in the manning of the Navy with proper men.

MR. W. WILLIAMS said, he must beg to express his gratification at the First Lord of the Admiralty's statement of the effects of the diminution of corporal punishment. He hoped the right hon. Baronet would keep his attention on that point; for he was convinced that wherever you found an officer inflicting numerous punishments on board his ship, there you found an officer not fit for command.

*Vote agreed to.*

(2.) 51,722*l.*, Scientific Department.

MR. BENTINCK said, he wished to call attention to the very long interval that occurred between the completion of surveys on our coasts and the publication of the charts. He hoped there was some probability of their soon getting the very great arrear of charts now due.

SIR JAMES GRAHAM said, he must acknowledge that the more speedy publication of the result of the surveys was a matter of great importance. He had given his attention to the reorganisation of the hydrographical department, and an officer well known for his scientific acquirements, Captain Washington, had been appointed as assistant to Admiral Beaufort. The attention of these officers had been directed to the urgent necessity of a more speedy publication of the surveys which had been made, as charts became comparatively useless if their publication was long delayed, and he believed the result of their joint efforts would be that the wishes of his hon. Friend would, before long, be accomplished.

*Vote agreed to;* as were the following four Votes:—

(3.) 131,451*l.*, Establishments at Home.

(4.) 22,297*l.*, Establishments Abroad.

(5.) 883,648*l.*, Artificers at Home.

(6.) 37,259*l.*, Artificers Abroad.

(7.) 1,142,732*l.*, Naval Stores.

MR. W. WILLIAMS said, he must own that, comparing the Votes of this and the previous year with those taken for the last twenty-five or thirty years, and, looking at the efficient Navy which we now possessed under the auspices of the right hon. Gentleman the First Lord of the Admiralty, there was much food for congratulation as to the small amount required to prepare such an efficient fleet as contrasted with years when there was scarcely any fleet at all for the defence of the country.

MR. CORRY said, while acknowledging the admirable state of efficiency into which the fleet had been brought, there was one arm in which he feared it was deficient; he alluded to ships fitted for carrying mortars. When he was at the Admiralty, a second-class steam-sloop was fitted for that purpose, and the experiment was looked upon as a successful one.

ADMIRAL BERKELEY said, that all our large ships at present threw shells from their 68-pounders, almost in the same way as mortars, and were capable of bursting their shells at the same distance as mortars.

MR. CORRY: But without the power of elevation.

CAPTAIN SCOBELL said, he hoped the improvement of the small arms would not be lost sight of. Some of the marines, he apprehended, were now practised in the use of the Minié rifle. He wished to ask whether the Board of Admiralty had finally made up their minds as to the propriety of employing iron as a material for ships of war? He wished also to put a question to the right hon. Gentleman with regard to the reward given to the inventor of the screw-propeller. He understood there were parties who were said to have a reasonable claim to be considered in the matter, and who urged that the screw-propeller invented by them was the very one which the Royal Navy now used, and for which the premium had been awarded.

SIR JAMES GRAHAM said, he had great pleasure in informing the hon. and gallant Member that the muskets supplied on board Her Majesty's ships were of the most improved description. With regard to the second question which had been put to him, he had to state that the result of the inquiries which had been made afforded proof that iron was not a material well adapted for the construction of ships of war. With regard to the subject of the inventor of the screw-propeller referred to by the hon. and gallant Gentleman, the circumstances of the case were, that a sum of 10,000*l.* had been paid to persons who claimed to be the inventors of the screw-propeller in use in Her Majesty's ships, but, at the same time, a bond of indemnity had been required, in the event of any person hereafter coming forward and proving himself to have been the original inventor, and, if Captain Carpenter were, in fact, the original inventor, he could institute a legal claim.

SIR FRANCIS BARING said, when he was at the Admiralty the patentees of different inventions claimed from the Admiralty payment for the use of their screw-propellers. Whilst the question was in the Court of Chancery, the Admiralty declined making any payments. At last the parties made an arrangement, vesting the claims in one company, and then a demand was made on the Admiralty for the sum due, which was a very considerable sum. When the matter came before him, he said he should like to have it settled not only for the past, but also for the future. The parties took a liberal view of the subject, and he felt satisfied that, if

the Admiralty had been called upon to pay for each particular invention, the amount would have been much larger than that paid, namely, 10,000*l.* A guarantee was taken from the parties holding the Government harmless for the future.

MR. FITZSTEPHEN FRENCH said, he felt bound to state that, in his opinion, the credit of the application of the screw-propeller to ships was due to Captain Evans. That officer had been sent to inspect the *Archimedes*, which, he believed, was one of the first ships which was fitted with a screw-propeller, and he had been present at the trial which took place, and the inventor was at that time utterly ignorant of the power which the screw gave over the helm, and every one of the statements which Captain Evans made on that occasion had since been justified by the result. When credit was claimed by different persons for the application of the screw-propeller, he thought that some credit was due to an officer who had so materially facilitated its adaptation.

CAPTAIN SCOBELL said, he believed the money had been paid to a company, and by that company to a Mr. Lowe. In 1852, Mr. Lowe petitioned for an extension of his patent, and the petition was heard by the Judicial Committee of Privy Council, who were unanimously of opinion that Mr. Lowe was not the inventor or patentee of the screw-propeller used in Her Majesty's service, and, therefore, refused to extend his patent. Captain Carpenter had spent 3,000*l.* in carrying out his plans, and it would be very hard for him to have to fight the matter in a court of law against a large company. The screw in the *Agamemnon*, and some other ships, was as nearly as possible the screw of Captain Carpenter, and was not in the shape of Mr. Lowe's screw.

SIR FRANCIS BARING said, the decision that Mr. Lowe had no claim for the extension of his patent was no proof that the Admiralty were not bound to pay whilst that patent was in operation. It was a combination of a great number of patents, and until Captain Carpenter could establish a legal right he could have no claim.

MR. STAFFORD said, that the Board of Admiralty which followed that of which the right hon. Baronet was the head took the same view of the subject, and carried it out.

ADMIRAL WALCOTT said, that Captain Carpenter had devoted the entire of his private fortune to the advantage of his

profession, and was unable to take proceedings in a court of law.

Vote agreed to : as were also the following three Votes:—

(8.) 372,642*l.*, New Works.

(9.) 32,000*l.*, Medicines and Medical Stores.

(10.) 54,653*l.*, Miscellaneous Services.

(11.) 657,575*l.*, Half-Pay.

ADMIRAL WALCOTT thought that, accustomed as we had been to refer the high position which England held among nations to the superiority of her naval power, he could not do otherwise than concur in any measure which should make a more adequate provision for manning the Navy. For of what possible use or avail could it be to boast of a splendid navy of ships, unless manned with the sinews and nerves to render them efficient? But it was necessary plainly to tell the man-of-war's man to what he might look forward—to satisfy him of the certainty of that provision which was proposed for his welfare, present and future. The officers should possess the perfect conviction that no disposal of patronage, for ends private or political, would mar their prospect of the reward due to merit. Then this country would reap the full benefit of such a generous and fostering care of a noble profession. He agreed wholly in opinion with the hon. and gallant Member for Bath (Capt. Scobell), that nothing could be more unwise than to encumber a ship with any large proportion of landmen. Very few, indeed, but ordinary seamen ought to be taken on board. Lads of from fourteen to eighteen years of age were the material from which blue jackets must be made. In the Navy yearly from 3,000 to 4,000 such ought to be entered, in order to supply regular men-of-war's men. He was gratified by the testimony borne by the right hon. Baronet the First Lord of the Admiralty to the services of his predecessors at that board. To the Duke of Northumberland the service was indebted for the Committee on Manning the Navy, of such vast importance in its results. He believed that no man ever entered upon that office with more single-minded purpose, or more earnest desire to conduce by every possible exertion to its efficiency; and, as regarded its patronage, to make merit the sole criterion of advancement. Allusion had been made to the crowded state of the lists. It ought and must be remembered that during the last war we had at one time no

less than 1,000 pendants flying, and to officer those ships was a matter of the first necessity. The officers then employed served their country with fidelity, and to its utmost advantage, and they ought not to be dealt with in speeches of disparagement. Many in peace time earnestly and perseveringly advanced their claims to continued service—many were still most desirous of employment, and he was one of those humble individuals, and in a short time hundreds of these men would no longer need the reward of good and gallant service. But he would remind the House that the first evidence and sign of a declining nation was ingratitude displayed towards those who had stood by their country, giving her strength and life in that hour in which she most needed them. The country was entering upon another war; and she would require able heads and youthful spirit and vigour, and they ought to be cheered onwards by the bright hope that the country would not be disregarding of their claims upon her consideration. Their ardour should not be damped by indifference shown to those who preceded them in a career no less noble or momentous to the interests of their country.

CAPTAIN SCOBELL said, there was an Order in Council relating to the dockyard which provided that promotions should go by merit, and on public grounds, and that every application out of the authorised course would not only be discountenanced, but would tend to check the future advancement of the parties. Let the Admiralty apply that regulation to the Navy, and they would soon make a wonderful change in its efficiency. He was afraid that, when a few persons were employed, they were selected not from public merit only; and he believed that one-half the lieutenants never got beyond that rank.

MR. W. WILLIAMS said, that as the hon. and gallant Member for Christchurch (Admiral Walcott) had observed that officers of merit in the sea service had been neglected, he could not help contrasting the manner in which naval officers were treated with the conduct pursued towards officers in the Army, in reference to good-service pensions. He perceived by the estimates that one of the persons receiving a good-service pension in the Navy was Commodore Michael Seymour. This gentleman entered the service on the 5th of November, 1813, and doubtless must then have been very young. In

March, 1814, only four months afterwards, he was present, while serving in the *Hannibal*, at the capture of the French frigate *La Sultane*, and that was the only service he had rendered for his good-service pension. It was true that he had held the appointment of Commodore Superintendent of Devonport Dockyard since September, 1851, and had been actively employed afloat as a commissioned officer about eighteen years; but he had been very fortunate in obtaining those two employments, and many an officer would have been glad to have the appointments. The grant of a good-service pension for the single service he had mentioned exhibited a liberality of which the hon. and gallant Admiral had no right to complain, especially when many men in the Army who had served in the Peninsula and at Waterloo were not so well rewarded; he therefore thought that there was no ground for complaint.

SIR JAMES GRAHAM said, the hon. Gentleman was rather unfortunate in the instance he had adduced of ill-bestowed reward. Commodore Seymour's services were set forth in the paper before the House, and as he had had an interview that very day with the gallant commodore, he would tell the House what the nature of that interview was. It became the duty of the Admiralty to select a captain of the fleet for the force to be commanded by Sir Charles Napier, and he accordingly consulted Sir Charles Napier as to the other who, on the whole, would be most efficient for that post. After conferring together and looking at the list of officers, they both came to the conclusion that, if Commodore Seymour could be induced to accept the appointment, he would be the most efficient person. That gallant officer was at the moment Superintendent of Devonport Dockyard, and was also, on account of personal and professional services—without regard to the character of his gallant father, who had been one of the most distinguished officers in the Navy—in the receipt of a good-service pension. The moment Commodore Seymour was told it would be for the good of the service for him to leave the dockyard at Devonport and go on board the *Duke of Wellington* as captain of the fleet under Sir Charles Napier, he said, "I am ready to go at eight-and-forty hours' notice. I was treated generously in the profession to which my heart is devoted. I am ready to go at once, and to resign my civil appointment." He did not think it right to

Mr. W. Williams

take Commodore Seymour at his word, but said he thought it important that he should go on board the *Duke of Wellington* for that special service, and that arrangements should be made to keep the appointment open until that special service should be performed. On this understanding he had obtained the hearty good-will, without any considerations of a private nature, of an officer whose services he was quite certain would not disappoint the expectations of Sir Charles Napier, or of the public, in the important position to which he had been appointed.

MR. W. WILLIAMS said, he had meant to cast no reflection on the gallant officer, but he thought that many a lieutenant who had fought and had been wounded in some of the great battles of Nelson, and had nothing but their miserable half-pay to depend on, might consider themselves hardly treated when they compared the reward of their services with that given to a gentleman whose good service was confined to the first four months after his joining the Navy.

Vote agreed to; as were also the following two Votes:—

(12.) 476,659*l.*, Military Pensions and Allowances.

(13.) 148,798*l.*, Civil Pensions and Allowances.

(14.) 225,050*l.*, Freight, &c. (Army and Ordnance Departments).

MR. W. WILLIAMS said, he considered that he had reason to complain that on a late occasion a merchant steamer was employed for the conveyance of troops from Plymouth to Dublin, though two war steamers were lying at anchor in the harbour useless. The effect of this arrangement was not only great expense, but it was attended with much inconvenience to the men, who were kept on deck during the greater part of the time in rainy weather.

SIR JAMES GRAHAM said, though the hon. Member seemed disposed to quarrel with the largeness of this Vote, he was afraid he would be compelled to call the attention of the House to it again before the close of the Session, as it was altogether inadequate to meet the large expenditure at present incurred by the removal of troops. [Mr. WILLIAMS: Oh, yes; I don't mean that.] The hon. Member asked why the troops were not removed in men-of-war. The reason was very simple, that whatever might be the want of accommodation for troops in merchant



steamers, the inconvenience in war steamers was tenfold. With respect to this particular Vote, he might state that measures had been taken within the last fortnight for the removal of 10,000 men to the Mediterranean, and within the next fortnight arrangements would be made for doubling that number—exertions which he trusted would not be thrown away upon other Powers. He had now only to thank both sides of the House for the generous support they had given him in voting these estimates.

CAPTAIN SCOBELL said, there were three Russian men-of-war in the Austrian ports in the Mediterranean. Now, the Russians who had charge of these vessels of course saw our newspapers, and they thereby could be aware of the voyage outwards of our ships without guns. Had the Government taken any steps to prevent the possibility of Russian war-steamers injuring English vessels conveying troops to the Mediterranean? There appeared to be great impatience manifested with respect to the remarks which he had thought it his duty to make, from time to time, on these estimates, but he must say that the 6,500,000*l.* of money which had been agreed to as supplies for the Navy had been voted away with steam-like rapidity.

SIR JAMES GRAHAM said, it would not be necessary to escort any of our ships engaged in conveying troops to the Mediterranean. It was very true that there were three Russian war-steamers at Trieste, but he had great pleasure in stating that there were three English men-of-war in that neighbourhood; and if they were not a sufficient match for the Russian war-steamers, there were two powerful French men-of-war to help the English. The three Russian men-of-war were in the outer harbour at Trieste at first, but they were now hauled into the inner harbour, near the mole. Whilst they remained in that position, it would be impossible for the English men-of-war to get at them.

*Vote agreed to.*

#### SUPPLY—ORDNANCE ESTIMATES.

(15.) 19,266*l.*, Ordnance Military Corps.

MR. MONSELL said that, in submitting the Ordnance Estimates, he should endeavour, as shortly as he could, to explain the reasons for the increase in the different votes; and he thought he should be able to satisfy the House that some, at least, of that increase would leave for future years a permanent annual saving. Upon the

first vote, the increase of the Royal Artillery was 53,023*l.*; the engineers, 29,461*l.* and the increased recruiting necessary for the addition to the forces, 20,167*l.* It would be hardly necessary for him at present, after the statements made by his right hon. Friend the First Lord of the Admiralty and the Secretary at War who had preceded him, to give any reason for this increase; but he thought the Committee would be gratified by his giving very shortly a statement of the condition in which the artillery force now was. He was happy to say that the schools connected with the force which for several years had been progressively increasing, were admirably conducted. The Royal Military Repository had now in it a class of twenty-four non-commissioned officers, who, besides acquiring a knowledge of the use and transport of military machines, were taught geometry, mensuration, and all those other studies which were necessary to the discharge of their duties. The Royal Artillery Institution, which was an institution of more recent foundation, had this year been opened, and already it had conferred very great advantages indeed in the way of a thorough system of education upon the officers of the artillery force. So great was the interest taken in this establishment that the annual subscriptions on the part of the officers themselves, which were last year 153*l.*, had risen this year to 420*l.* A course of lectures was about to commence on those subjects which were the most useful for the officers of the artillery to be acquainted with—military carriages, fortification, &c.; and in addition to this, Lord Raglan, the Master-General of the Ordnance, last year, for the first time, established a class of young men who had just received their commissions, and sent them to the Continent with experienced officers to visit the best fortifications upon the Continent, so that they might become acquainted with those improvements in the sciences connected with the artillery which were likely to render them most efficient in the discharge of their duties. He did not know if it had ever occurred to any hon. Gentleman to compare the state of the artillery force now about to leave these shores for the East, and the condition of that force which, under the late Duke of Wellington, and amounting to about the same number, quitted these shores for the Tagus in 1808. He thought nothing could be more remarkable or more satisfactory than such a comparison. In every single par-

ticular the greatest possible improvement was manifest. In the first place, instead of the small howitzers of 4 2-5lbs or 5½ inches bore, the howitzers now sent out are all of 12 inches diameter, consequently heavier, more effective, and of the best possible description. In the ordnance in 1808, in each of the batteries there were three kinds or different sorts of guns used, which caused great confusion in the supply and distribution of ammunition. At present there are only two kinds of guns, and the distribution of the ammunition is on a very simple and uniform plan. In 1808 civil artificers accompanied the field batteries, and were found most unserviceable and troublesome; but now, instead of civil artificers, military artificers form a component part of every troop. At the former period there were no instructions for exercise, and every captain used his own discretion; at the present time the most clear and precise instructions are laid down, and are in the hands of every artillery officer, the effect of which has been to secure a perfect uniformity in the execution of all duties committed to them. The code of finance regulations was not settled in 1808, from which many hardships arose; but now the finance regulations are in the hands of every commanding officer. Perhaps one of the most striking contrasts between the two forces was in the sort of horses sent out. Any Gentleman who would refer to the despatches of the Duke of Wellington would find that the horses which accompanied the artillery in 1808 were very inefficient, and were described by Colonel Hardinge as a set of broken-down Irish horses, taken from the Irish commissariat. They were utterly useless when they came into action, and their inefficiency frequently necessitated the leaving behind of guns at a time when their services were most required. The artillery force about to leave our shores would have 1,000 horses in the highest possible condition and order. Then, with regard to pontooning, any Gentleman who had at all studied the history of the Peninsular War would be aware that the difficulties occasioned by a deficiency of pontoons were remarkable. He believed it was only the year before the expedition he was now referring to, and in South America, our forces were stopped for several days by a trench eight or nine feet wide, on account of the absence of pontoons. A sufficient number of pontoons would start with our forces now, and they would be altogether in the

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highest possible efficiency. He might mention many more particulars to the Committee, but he would not weary it by going any further into the details of the subject. He had, however, thought it of importance to point out the greatly increased state of efficiency of the artillery force, which everybody knew was the most important arm at the disposal of any country in a time of war. He would proceed next to the increase in the Vote for the commissariat supplies, the greater part of which increase was occasioned by the extraordinary rise in the price of forage and other articles required for the keep of horses. The increase of price in that Vote alone amounted to 158,000*l.* In the barrack supplies which were necessary this year he took an increased quantity on account of a miscalculation last year; 35,298*l.* was the increase occasioned by the increase of price; and the increase of 32,000*l.* was for the increase necessary to be made to the number of stores. Upon the Vote for the Ordnance Office, there was a decrease of 600*l.* a year in the pay of the clerks, on account of some of the senior clerks having died, and others retired from the service, but there was no decrease in the rate of payment. On the contrary, the Treasury Committee which sat upon the Ordnance Department, and investigated most minutely all its affairs, were convinced that several of the clerks were most inadequately paid, and instead of a reduction, he was happy to state that they recommended that several of their salaries should be raised. Upon the Votes for the salaries, allowances, and contingencies in establishments in the United Kingdom and Colonies, there was a decrease of the expenditure of 14,741*l.* This, the Committee would observe, was likely to be a permanent decrease, inasmuch as an increase of the establishments for the West Indies, Canada, and other British possessions, would not probably be again required. The Committee might, therefore, regard this decrease as an annual permanent decrease of about 14,000*l.* a year. Upon the Vote for the wages of artificers, there was an increase of upwards of 20,000*l.*, altogether occasioned by the increase of wages rendered necessary in the Royal carriage and other departments, through the anxiety to provide an additional number of gun carriages for the ships now fitting out for the Baltic fleet and a change in the batteries of from six to nine pounders of the Royal Artillery. The next Vote was for stores,

and there was an increase upon it amounting in the whole to 267,855*l*. Of this sum the increase occasioned by the new machinery which it was proposed to erect at Woolwich and in its neighbourhood, including the gun factory, upon which he should have to say a few words hereafter, amounted to 138,000*l*. Deducting that 138,000*l*. from 267,000*l*., 129,000*l*. remained, of which 79,000*l*. was for increase in price, leaving 50,000*l*. only to be accounted for. 25,600*l*. of that sum was on account of small arms, 6,827*l*. for gunpowder cases for the equipments of frigates of the navy; and there was another item for the carriages of the artillery, which had already been referred to. The next Vote, for works, buildings, and repairs at home and abroad, was 902,821*l*.; and of that sum 336,756*l*. was required for fortifications and other works already sanctioned by Parliament; and 262,687*l*. was for ordinary and current expenses. Now, that 262,687*l*. for ordinary and current expenses was an increase upon the same item in last year's estimates of somewhere about 40,000*l*., and he thought it right to mention to the Committee that that increase was mainly occasioned by the incidental items having been in no instance this year reduced. It had been considered expedient to pursue that course, though the system had been usually adopted of reducing every year the incidental items sent in to the different stations throughout the country, amounting to some 25,000*l*. At the end of the year it was found impossible, without suffering serious injury, to dispense with the expenditure which had been contemplated by the superior officer, and afterwards reduced; and applications had then to be made to the Treasury to allow the money to be given from some unexhausted surplus, so that the apparent reduction on the vote was no real reduction of expenditure. Of the remaining increase in this vote there was an item of 100,000*l*. for the purchase of land at Aldershot, near Bagshot, for a camp. The Committee might be aware that Chobham was to be immediately inclosed, and all the land about it was inclosed, so that it would soon have been impossible to get any ground near London for the purpose of a camp if they had not secured this place. The ground had been purchased at a very moderate rate, at sums varying from 10*l*. to 12*l*. an acre, and at any future time it would be quite possible to realise the expenditure. The next item he had to allude to was one of 85,000*l*.

for a practice range at Woolwich, and he had shortly stated the other day, in answer to the hon. Baronet the Member for Westminster, the reasons for that vote. There had been for many years a practice range at Woolwich, which, he believed, had answered every purpose perfectly well until some twelve or fourteen years ago. At that period, when the use of steam upon the Thames had become so largely increased, the range was found unsafe in consequence of the number of vessels continually passing. As it was perfectly essential, however, that the artillery force should have constant practice, it was of the last importance that that arm of the service should be preserved in every way possible. He thought the House would agree with him that no vote he had to propose was really of greater importance to the service than this, and he believed none would be more cheerfully acquiesced in. Abroad a sum of 2,300*l*. was required for the erection of a garrison hospital at Cephalonia, which would be the means of effecting an annual saving of 190*l*., now paid. The increased accommodation required at Malta would entail an expenditure of about 7,000*l*., and a sum of 10,000*l*. would be required for the improvement and repair of the defences of St. Helena. It was thought proper, however, merely to ask for 2,500*l*. this year. 3,000*l*. would be required for additions and alterations at the cadets' barracks at Woolwich, and he thought no alterations were more imperatively required than this; for, absolutely, the cadets at Woolwich were obliged to sleep two or three in a room, and they had no place whatever to study in. By the proposed alterations, every one of the forty cadets would be provided with a separate room. A sum of 7,000*l*. or 8,000*l*. would also be required for increased hospital accommodation, drainage at various stations, gas, &c. Upon the Vote for the Ordnance surveys of the kingdom, 25,000*l*. additional was taken for the ordinary survey, and he might now mention the precise position of this matter with regard to the scale of the survey as it now stood. The Committee would, perhaps, be aware that, acting on the authority of the Duke of Wellington, the Irish scale of the survey was adopted for Great Britain. About a year ago, a great feeling arose in Scotland that that scale was either too large or too small, and last year the question was submitted by the Treasury to some of the most scientific men in this country, and by far the largest number of them reported that it would be of the greatest possible benefit to have the

survey taken on a larger scale, though they differed among themselves as to what that precise scale should be. It was now proposed by the Treasury again to submit the question to them, and to require them to state, admitting that the scale should be raised, what in their opinion was the precise extent to which it should be raised, whether twenty-six and a half inches, or twenty-four, or twenty. He might state that the operations now going on in Scotland were so conducted that they could be adapted either to the one scale or the other. He had already mentioned that there was a sum of 138,000*l.* for machinery, and that he should return to the subject, as it was possible that, with regard to some portion of the Vote, there might be some difference of opinion. In the first instance, he asked the Committee to consider the two items he proposed to take for the improvement of the machinery of the Royal carriage department and of the Royal laboratory at Woolwich, amounting together to 138,000*l.* Those Gentlemen who had looked into the estimates of this year would be aware of the enormous sums paid in wages in these establishments, amounting, he thought, to somewhere about 75,000*l.* He was sorry to say that the Royal laboratory, considering it in the light of a manufactory, was in an extremely primitive state. The rooms in it were so small that it was impossible to have any effective superintendence over the workmen in order to see that they attended to and conducted their work properly. It was of the utmost importance that in any manufactory the order of manufacture should be consecutive—that, no article should have to travel in the course of its manufacture twice over the same ground. At present that simple rule was not attended to, and, on account of the insufficient arrangements, there were very considerable difficulties, particularly at the present moment, in making this department keep pace with the demands of the service. He would ask the Committee to consider what the necessary effect of this was. The consequence was that great numbers of articles were manufactured in time of peace to be ready against an emergency; they were kept in store till some got quite obsolete, and others were entirely rotten. At the present time there were carriages in the Royal carriage department which were utterly useless, which only took up room, and which, after having cost the country

immense sum of money, were good for  
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nothing but fire-wood. At the present moment these two departments—the Royal carriage department, which produced all the gun carriages, and the Royal laboratory, which produced all our projectiles of war—expended in wages at least 75,000*l.*; at least, that was the sum put down in this estimate, though he should deceive the Committee if he were not to tell them that he should not probably have to call on them for a further vote. The new buildings it was proposed to erect for these departments would cost from 85,000*l.* to 90,000*l.* Taking the cost at 90,000*l.*, that sum, at 3 per cent, would represent about 3,000*l.* a year; but the improvements that would be introduced would, in the opinion of the most practical men, reduce the amount of wages by one-half; in other words, the 75,000*l.* now paid every year would be reduced to about 37,500*l.* a year—an obvious benefit, which would be secured to the country by the expenditure of a sum the annual interest on which would not be more than 3,000*l.* He thought he could show that this was not an imaginary calculation, by mentioning some of the effects already produced by machinery in the Royal carriage department, which was in a more advanced state than the Royal laboratory, chiefly owing to the exertions, the skill, and the knowledge of a gallant officer whose loss the service had had this year to deplore. He referred to Colonel Colquhoun. In a report prepared by that gallant officer's successor, he mentioned that, although machinery was only partially introduced into the department, the saving by it in the expense of labour, comparing the years 1844 and 1854, was no less than one-sixth. At the present time only 895 men were employed, where 1,094 were required before to perform the same amount of work; but when all the contemplated improvements were made, the reduction would amount to one-half. The saving already in wages had been 11,981*l.* a year, which, at 3 per cent, would represent a capital of 399,000*l.* And how much had this machinery cost? He begged the Committee to mark this well. Why, the actual expenditure in machinery up to 1854 had been only 14,571*l.* Without going into the detail of the saving, he thought these few facts must satisfy hon. Gentlemen that it would be expedient to adopt the suggestions which he submitted to their consideration. The next sum he had to bring under the notice of the Committee was probably one on which there would be great apprehen-



sions—it was the sum of 100,000*l.* for the establishment of a gun factory. He begged the Committee to understand that it was not proposed to multiply Government factories—in fact, two Government establishments were to be discontinued. At present Government had an establishment at Birmingham, which this year cost 5,094*l.*, and one at Enfield, which cost 14,783*l.* It was proposed to get rid of these two factories—each of them, from their position, could probably be disposed of very profitably—and in their place to erect a gun factory somewhere in the neighbourhood of Woolwich. The Board of Ordnance had but one thing to consider, and that was to get the best arm at the cheapest rate, and with the greatest possible expedition. These, of course, were the only consideration which could weigh with them, but at the same time he should be very sorry that it should be supposed that he was at all indifferent to the position of the gunmakers, who seemed to consider themselves aggrieved by what was about to be done. The question had been forced on the consideration of the Board at the time of the first introduction of the Minié rifle into our service. When the Board was called on to produce Minié rifles sufficient for the whole army, they would have been neglecting their duty if they had not taken into consideration the system which had prevailed up to that time, whether it had worked well, and whether, on the whole, it was calculated efficiently to supply the wants of the service. Colonel Tulloh and Mr. Anderson, two gentlemen of great experience and ability, proceeded to Birmingham and other places where guns and bayonets were manufactured. They reported the gun trade to be—

“Altogether in a very lamentable state, and far behind any other trade to which it can be compared. With the exception of the barrel of the musket, they found the greater portion produced by hand-labour alone. At the bayonet works which they visited hardly any machinery worthy of the name is employed, and, consequently, the expense of a bayonet is considerably more than double what it may be expected to be made by machinery.”

For the last ten years the Board of Ordnance had been engaged in a struggle with the gunmakers. He would not deny that there might be faults on both sides, but he believed he could show positively that on the side of the gunmakers there were very considerable faults. The system pursued by the Board of Ordnance was fully considered by a Committee of that House

which sat in the year 1849, from whose Report the following was an extract:—

“Your Committee made some inquiries into the mode of contracting for muskets, with a view of ascertaining whether any reduction could be made in their cost without endangering the efficiency of the weapon supplied. Upon this point conflicting opinions will be found in the evidence. The weight of the musket is in great measure regulated by the length and calibre of the barrel. These points have been decided by the highest military authority, and this decision your Committee suppose was made on sufficient reasons. Objections which have been urged against the present rigid system of inspection do not appear to rest on any valid grounds. It is the duty of the Board of Ordnance to take every security that the muskets supplied shall conform to the pattern approved, and your Committee have not heard that any favouritism has been imputed to the viewers or other officers employed in this service.”

In the year 1851 tenders were called for for what was then called the Minié musket, and on the 26th of June, 1852, the following petition was received from the military gun-lock makers:—

“Consequences to be deplored have resulted from this state of things, for the men have from time to time embraced remunerative employment, as, for instance, great numbers are employed upon revolving pistols; and at this present juncture we could not rely upon more than twenty, or, at most, thirty efficient workmen to execute your order; and we are sorry to say that the difficulties that surround us absolutely deter us from undertaking to supply a specified quantity, and it would be impossible to supply the quantity required.”

The difficulties with regard to the production of this musket were so great that it was nearly two years after the order was given that the whole of it was supplied. During the last year there had been an order given for 2,000 carbines for the artillery, and, though the first steps were taken as far back as the beginning of March, the whole of that order had not been received at this moment. At the beginning of last year 20,000 new Minié rifles were ordered; tenders were called for—not called from London or Birmingham, or any one particular place, but from all England, Scotland, or Ireland; those received, being unsatisfactory, were declined, and new tenders advertised for in the papers. This failed to excite any more competition, and Sir Thomas Hastings, the Comptroller of the Stores, a gentleman of the highest intelligence and experience, and one who was considered by all the gunmakers as one of the most just and fair officers, went down to Birmingham, and, having succeeded in making better terms, ordered 20,000 Minié muskets there. This was an

the 26th of October, 1853, and since then they had received from the gunmakers numbers of letters alleging various reasons for the non-completion of this order. With some it was a general strike of the workmen—others had been unable to get rod-makers, others had made miscalculations of other descriptions; but with almost all, for one reason or another, there was a total impossibility of completing the work. This was one part of the present system which the Board had to consider; and they had also to consider the price for which the musket could be made. The task they had before them was to provide a new musket for the whole of the army—including artillery, marines, and coastguard, the price of which, at present, would be something under 3*l.* a-piece. They were strongly warned by many of the ablest officers in the army that it was not safe for the country to rely upon the existing system, and they therefore turned their attention in the first place to the system which prevailed in the United States. There they found that the Government had in its hands two gun-factories capable of turning out 500 rifle muskets a-week at 37*s.* a-piece. They found also an ample amount of muskets in store, and the latest improvements of machinery, by means of which the different parts of the musket were made with such accuracy that the parts of one musket fitted into the parts of any other indiscriminately. He had been told that bags of the different materials of which muskets were composed were sent to Mexico, and that, being opened on their arrival there, the parts were taken out promiscuously, and fitted into each other with as much nicety as if each had been made specially for the other. That he believed was what could not be said of two of Purday's rifles if taken out of the same case. But there was also another consideration which he wished to point out to the Committee. In 1841 the percussion arm was introduced into our service, and, all the old flint muskets being thus rendered useless—for the attempt to alter them was never successful—the expense, of course, was enormous. But did they think that in this age of rapid progress the musket which they were now about to introduce, would retain for many years the pre-eminence which it now enjoyed? And was it not advisable on that account to devise a plan, by means of which a large number of muskets might be readily manufactured, which would render it unnecessary to retain such an inordinate

*Mr. Monsell*

number of muskets in store, and avoid the risk of the country being put to a similar expense as that which was incurred when the percussion musket came into use? When the late Duke of Wellington was Master-General of the Ordnance, and Lord Hardinge Clerk of the Ordnance, they decided that the number of muskets to be kept in store should be 457,000; but without going to that enormous number, it was quite clear that with the present amount of production at our disposal, 300,000 was a sufficient store to keep up, putting the requirements of the Colonies on one side. With a gun-factory however, capable of producing 500 muskets a-day, we should manifestly be in a better position with 100,000 muskets in store than we had been before with 300,000, avoiding the risk of great loss in future, besides saving the capital represented by the difference in the two numbers. Let the Committee for a moment consider the pecuniary result of the proposed change. Instead of keeping 300,000 muskets in store, which would have cost 900,000*l.*, we should only have 100,000, representing a cost of 300,000*l.* Here would at once be a saving of the annual interest upon 600,000*l.*, by the expenditure, whatever it might be, necessary for the new factory, which it was believed, upon the most careful calculations, might be erected for 150,000*l.* The factory, too, would produce not only muskets, but bayonets. He had said that he would ask the Committee to consider the financial effects of the measure he proposed. For the line there would be required 110,000 Minié muskets; for the artillery, 10,000; for the marines, 15,000; and for the militia, 50,000; the number for store being 300,000; or, altogether, 485,000, exclusive of the Colonies: 485,000 muskets, at 3*l.* each, would cost 1,455,000*l.*; but the highest authorities believed that the musket might be produced for 1*l.* 10*s.* He had stated that the price for which the musket was produced in the United States was 37*s.* each; but, considering the improvements which it was believed by those best competent to form an opinion on the subject—by those who were engaged in designs for the factory—could be made on the American machinery, he was prepared to express the belief that the musket could be produced at the proposed factory for 30*s.* each. Taking this estimate, the saving that would be effected upon the previous estimate he had stated, of 3*l.* each, would be 727,500*l.* But, further, he had men-

tioned that, by means of the proposed system, the store, in time of peace, could be diminished by 200,000, the difference resulting from which would represent a capital of 600,000*l.* in favour of the public, the interest upon which would be a considerable and permanent saving. All this advantage would be realised by the outlay of 150,000*l.*, from which, moreover, was to be deducted whatever the present establishments at Birmingham and Enfield might produce when sold. All these Minié rifles must have new bayonets; 485,000 bayonets, at 7*s.* 6*d.*, the ordinary price, would cost 181,875*l.*; but it was calculated that at the factory they could be produced for 1*s.* 6*d.* each, which would amount to only 36,375*l.*, or a difference in favour of the public, by means of the factory, of not less than 145,500*l.* When, upon the authority of Mr. Anderson, the same gentleman who had effected such enormous savings in the Royal carriage department, he could show the Committee that, by the expenditure of the proposed 150,000*l.*, such a large amount of arms could be produced at such a vast reduction of cost, he felt that Lord Raglan was, indeed, perfectly right in considering the matter now before the Committee as one of the very highest importance to the public service, as pre-eminently conducive to the permanent safety and well-being of the country. Under these circumstances, he hoped the Committee would pass this Vote unanimously. He had stated that he did not conceive the proposed arrangement would do the injury to the gun trade of this country which that trade anticipated. Let it be borne in mind that our gun trade was at present in a very low condition, whereas that of the United States was in a very flourishing and advanced state. In the Report which was presented to the House the other day, with regard to the machinery department of the United States' Great Exhibition, it was stated that the gun trade of America was in a very high condition, and there seemed every reason to fear that, unless our gun trade became immensely improved, the whole trade would be transferred to the United States. Under such circumstances, to have a really good machinery for the construction of guns introduced to the observation of the gunmakers of England, whether by Government or by individuals, could not be deemed other than a public benefit. How stood the gun trade of England now? In 1851, we exported 247,236 muskets; in 1853, the number had fallen

to 238,767. But now, turn to pistols. In 1851, we exported 5,333 pistols; in 1853, we exported 22,235 pistols, or more than four times the number we exported in 1851. How had this happened? Why, because Colonel Colt had introduced among us this very system of machinery, by means of which, producing pistols of admirable quality at a cheap rate, we had been enabled to effect so largely increased a demand for our pistols—surely a benefit to the gun trade of the country, which, with regard to muskets, had undergone deterioration. It was his opinion, that by the introduction, in like manner, of improvements in the construction of muskets, the Government would be benefiting our gun trade far more than the stoppage of the intermittent Government contracts would injure it; for those improvements would continue, and enlarge for the trade the whole market of Europe. He trusted that he had now satisfied the Committee, and that he should satisfy the deputation who had waited on him from the gunmakers, that the proposal he had made as to a Government factory would largely benefit the public, without sacrificing the permanent interests of the small number of persons whom that deputation represented.

Mr. MUNTZ said, the great cause of the dispute between the Board of Ordnance and the workmen in Birmingham had been the Minié rifle, an article with which, until lately, all parties were totally unacquainted. Difficulties had been thrown in the way by the Ordnance, and the people connected with the department, and that was the reason of the delay. The hon. Gentleman had laid great stress upon the saving to be made by creating this establishment, and filling it with machinery. But already a great portion of the manufacture of guns was done by machinery; and he took leave to doubt altogether the statement made as to the amount of saving to be effected. If the guns were fairly inspected, and the manufacturers had consecutive orders, there was no reason why any quantity of arms should not be made by the private manufacturers quite as well, and more cheaply, than they could be made by the Government. In estimating the saving to be effected by the new machinery, the hon. Gentleman had compared the cost of the work to be done with that of work hitherto done with the Ordnance, instead of, as he ought to have compared it, with that of work done by private individuals. He (Mr. Muntz) challenged any one to

show an instance in which the Government had manufactured any article, in the manufacture of which private competition was possible, in which they had not lost 25 or 35 per cent by the manufacture; and so he was persuaded it would continue to be. If they were to effect the saving in the amount of stock to which the hon. Gentleman had referred, as a result of their having Government factories, it would be necessary to have a large number of men constantly ready for work, and this would necessarily be attended with great expense. With regard to the delay in the supply of Minié rifles, Mr. Muntz said, that these arms were quite a new article, new both to the Ordnance and the gunmakers; that there was a delay in the issuing of the patterns; and that after the sights had been fixed upon a number of the rifles, according to the directions of the Ordnance inspector, it was found that they were all wrong, and they had to be altered at the expense of the Board. This inspector was a man who did not understand his business, but he had resigned, and within the last fortnight the Board of Ordnance had appointed in his place a straightforward and able man. One serious cause of complaint, both by the gunmakers and their workmen, was, that when the tenders had been divided among the various manufacturers, no further orders were given until the whole of the first contract was sent in, so that if one man did not finish his contract, all the other manufacturers and their workmen were at a stand-still, frequently for many weeks together. Of course the result of this was, that the manufacturers could not do the work so cheaply as if they were consecutively employed, or in such quantities as were required. When the vote for the manufactory was proposed, he (Mr. Muntz) should move that it should be suspended for two months, and if the manufacturers did not within that time prove to the Ordnance, that they could manufacture any quantity of as good muskets as ever were seen, and as rapidly as they were required, he would give no further opposition to the vote. He ventured to say that, even if they got the factory, it would be two years before they got a single arm out of it.

COLONEL DUNNE said, he could bear testimony to the efficiency of our artillery, which he considered to be equal to any artillery in Europe. He thought the improvement contemplated with reference to at Woolwich most advantageous—present grounds were certainly

not sufficient for field guns, for which, if a proper range could be obtained, it would be of the greatest service to the corps. He considered that the question as to the manufacture of small arms was of the highest importance, and one which ought not to be lightly or hastily disposed of. He should like, also, to see the improvements suggested carried out in the laboratory, inasmuch as he believed them to be most necessary; and nothing would please him more than to see the present estimates framed upon a basis at once efficient and perfect, and such as was not only desirable but requisite, in a time of emergency like the present.

MR. W. WILLIAMS said, he could not help noticing the very large increase in the number of men in the Ordnance corps and departments, which in the years immediately preceding 1845 amounted only to about 7,000 or 8,000 men, in 1845 to 9,000; but in the present year, according to the proposed estimates, to 19,000. He thought the charge of 8,500*l.* for the servants of the 330 officers in the Engineers a very large sum, and also the amount of 120,000*l.* for additional aid and allowance, one that was out of all proportion, as compared with similar items for the Army and Navy. He should be very glad to see the improvements which had been spoken of carried out; but at the same time it was necessary that the Committee should use the greatest care in voting these estimates.

*Vote agreed to.*

(16.) 902,817*l.*, Pay, Allowances, &c.

MR. DRUMMOND said, as the subject of clothing had been mentioned during the discussions on the Army Estimates, and as everybody followed French fashions nowadays, he begged to point out—while expressing his satisfaction at the more comfortable clothing which they were going to give the troops—a very commendable custom that prevailed in the French army. In every sentry-box in France there was a large cloak, in addition to the great-coat of the soldier, and the use of this cloak was considered by the medical men of France to be of great advantage to the men. This was a matter well worth consideration. He must say that he cordially concurred in the proposal that the system of clothing by the colonels should be altogether abolished.

*Vote agreed to.*

(17.) 557,176*l.*, Commissariat and Barrack Supplies.

MR. W. WILLIAMS said, he would beg to suggest that the barrack establishments,



and those for the commissariat at home, ought not to be kept up separately, but combined into one system.

COLONEL GILPIN said, he wished to draw attention to the want of accommodation for married men in barracks. It was known that women were required for washing, cooking, &c., and a certain number per troop or company were allowed to live in barracks, provided their characters were good. The married men were allowed the space occupied by two beds, and that was all, while the women were compelled to live habitually in the same room with sixty or seventy men. Much attention had been lately paid to the subject of the amelioration of the morals of the people, and why should not the soldier have the same consideration paid to him? This matter was a part of our military system which was degrading to the soldier and disgusting to the officer. He hoped the hon. Gentleman the Clerk of the Ordnance would take the case of these poor women into consideration, and enable them to observe the decencies of life.

SIR WILLIAM CLAY said, that no one who had ever seen a barrack could fail to concur with the hon. and gallant Member who had just addressed the Committee. He (Sir W. Clay) believed that there was hardly a barrack in the kingdom that would bear a moment's comparison for comfort and accommodation with either a gaol, a penitentiary, or an union work-house. It was creditable to the spirit of the profession that our soldiers did not trouble Parliament or the public with complaints; and this abstinence from complaint on their part was in itself a reason why their grievances should be promptly and efficiently redressed. There were no barracks in the kingdom where ventilation was attended to. Where forty or fifty men slept in one room, as was at present the case, the atmosphere was almost insupportable, and great injury to health was the necessary result. Ophthalmia and other diseases among the soldiers could be traced to this cause. The evil might be remedied by a very small outlay of the public money. He wished next to call attention to the very defective state of the accommodation afforded to soldiers who were disposed to avail themselves of the regimental libraries. At a barrack he (Sir W. Clay) had recently visited, calculated to hold 1,000 men, the only accommodation for the use of the library was a closet of perhaps 10 feet by 6—but he was informed that, if a

proper reading-room were provided, in which the men could sit and read, instead of being driven to the canteen and other places of resort, twenty books would be taken out of the library where one was taken out at present. Another want which was severely felt by the soldiers was that there was hardly a decent room for washing attached to any of the barracks in the kingdom. He was sure that that House and the country would cheerfully grant the necessary funds for providing the army with the comforts to which he had referred.

MR. MONSELL said, that he sympathised with the kind wishes which had been expressed for the comfort of the soldiers, but he was sure hon. Gentlemen must see how difficult it was to carry out the different views which had been put forth. In all the new barracks the accommodation for married women had been much improved, as, indeed, were the comforts of the soldier generally; but, in the case of the old barracks, great difficulty was experienced in making the required alterations.

COLONEL GILPIN said, he thought that in the old barracks the same arrangement might be effected for the benefit of married soldiers as was adopted in behalf of the colour-sergeants—that was, their rooms might be separated by partitions.

LORD SEYMOUR said, it would appear that the House of Commons had either been niggardly in supplying the wants of the soldier, or that the money which it had voted had been very ill spent. It was shown before the Committee on the Ordnance Estimates that great improvements had of late years taken place in the accommodations of the soldier. It was there stated that the accommodation had increased to that extent that the cost of supplying it for the soldiers in barracks amounted to 100*l.* a man. Now, if that was so, the soldier should certainly be very well supplied and well lodged. They had been told that the soldiers had no means of washing themselves in barracks, but he remembered that a large sum was voted for this very purpose when the subject of lavatories was brought forward by Lord Panmure, and there was a sum taken every year for washing in the new barracks; so that, so far from grudging good accommodation to the soldiers, the House of Commons had been most liberal on their behalf. No blame, therefore, attached to that House, though he was unable to say how the accommodation had been carried out by the proper officers.

CAPTAIN KNOX said, he had belonged to a regiment which was stationed in new barracks, and certainly he was unable to discover any difference between them and old barracks in regard to the accommodation for married soldiers.

COLONEL DUNNE said, that since he had entered the service there could be no doubt that the comfort of the soldier was more attended to than it used to be.

Vote agreed to, as were also the three next Votes.

(18.) 73,719*l.*, Ordnance Office.

(19.) 281,645*l.*, Establishments at Home and Abroad.

(20.) 162,334*l.*, Wages at Home and Abroad.

Motion made, and Question proposed—

“That a sum, not exceeding 639,552*l.*, be granted to Her Majesty, to defray the Expense of Ordnance Stores for Land and Sea Service, which will come in course of payment during the year ending 31st March, 1855.”

MR. MUNTZ said, he should propose that this Vote be postponed for two months, for the reasons he had already stated.

MR. MONSELL said, he had already explained to the Committee the grounds upon which he thought this Vote was necessary, and it was impossible for him to agree to the proposition of the hon. Gentleman.

MR. NEWDEGATE was about to second the request made by the hon. Member for Birmingham, that the Government would postpone the vote of 100,000*l.* for establishing a Government manufactory of small arms, but he begged the House to believe that, if this postponement would, in the present emergency and prospects of war, in any way delay the necessary supply of arms for our troops, he (Mr. Newdegate) would never have sanctioned, tolerated, or joined in requesting it, but he was prepared to show that, instead of delaying the immediate supply of arms, this postponement would have the opposite effect. He held in his hand the copy of an offer of an immediate supply of arms, which had been made to the Board of Ordnance, contingent upon their not taking the general supply of arms for the Army out of the hands of the manufacturers of Birmingham and London, who, during the last war, had not only supplied the English Army, but many of their foreign contingents, and had maintained this country independent of a foreign supply of arms—no slight national extended war. This offer

“We, the undersigned, on behalf of the gun trade, will undertake (if the Board of Ordnance will enter into contracts for that purpose) to supply and deliver complete 50,000 rifled muskets within the first year, 100,000 in the second year, and a much greater quantity in the third year.

“We will undertake to find all the materials for the above muskets except the rough stocks, of which the Board of Ordnance have a large quantity in store, and can supply.

“If the Board of Ordnance will entertain this offer, we will immediately make twenty rifled muskets of the pattern required as samples, which shall be inspected, marked, and sealed by the inspector of small arms, ten of which shall be retained by the Board of Ordnance, and ten retained by the contractors; the whole of which shall be kept for reference in case of dispute.

“We propose that the course of inspection shall be the same as carried out by the Board of Ordnance; that is to say, each part of the musket shall be inspected and marked in each stage of manufacture as being of proper quality and make. But we will undertake and hold ourselves responsible for the production of a perfect arm, according to the pattern supplied.

(Signed) “HOLLIS AND SHEATH.

“CHAS. P. SWINBURN AND SON.

“THOMAS TURNER.

“TIPPING AND LAWREN.”

Now, this was an offer to supply 150,000 rifle muskets within two years. If the first stone or brick of the proposed Government factory were now laid, it would be quite impossible to produce from it a single musket within a year; it was highly improbable that this, as yet, foundationless factory could be fairly in work before the eighteen months had expired. It was not unreasonable to expect that it would be two years before muskets could be produced from it in any great quantity, and within which time the manufacturers of Birmingham offered to supply no less than 150,000 rifle muskets, of the most approved pattern, if the supply of arms were confided to them, and their trade not supplanted. The quickness of supply, therefore, rested in favour of the postponement of this Vote. The Government said the Birmingham manufacturers were not able to manufacture muskets or rifles for them, and rested their whole case on the success of the Springfield manufactory of arms, which the Government of the United States had established; yet he (Mr. Newdegate) understood that parts of some arms turned out of that factory had been supplied from Birmingham. He found that, on an average of three years, Birmingham and London turned out above 274,000 muskets and fowling-pieces annually; and yet the Government had ventured to assert that they

were unable to get supplies of arms in England. He might also instance a case in which the French Government sent over an officer to Birmingham, who, after inspecting the patterns made for the Board of Ordnance, adopted a Birmingham improvement, which cost 3s. 6d. additional for each musket. This improvement the Board of Ordnance had rejected, and the consequence was, that the French troops were supplied with a better arm than the British troops. He might be told that there would be no better chance of the contract being completed, if this offer were accepted, than of the completion of the contracts, the failure of which has caused the Government to entertain the notion of manufacturing for themselves. He (Mr. Newdegate) should be quite of that opinion if any of the Lovell family were to be continued in the office of inspectors or viewers of the arms in Birmingham; for first the son and then the father, Mr. Lovell, had held these offices, and it was impossible that any officers could have adopted more persevering or ingenious means to defeat the intention of their employers, and to destroy the trade they were appointed to regulate. But first the son Lovell, and now the father Lovell, have been removed; and the arms trade of Birmingham, trusting that, at last, they might have fair play, approach the Board of Ordnance and this House with the expression of their hope that they will not deprive them of the first fair opportunity for serving them that the trade of Birmingham have had for many years. He therefore felt confident that, if the Government chose to accept this offer, and to make the terms of the contract such as will enable the trade of Birmingham freely to complete it, there can be no doubt of its being faithfully executed. He not only asked the Government to avail themselves of the immediate means of supplying the country with arms, but he asked them, in justice to the public service, and in justice to this House, to allow a Committee of that House to examine into the alleged causes which are said to necessitate this vote of 100,000*l.*, and into the effect upon the public service which their declining the offer he had read to the House, and insisting on this Vote, were likely to produce. If the House would grant this inquiry, he believed it could be easily shown that, although there had been faults on both sides, the failure of timely compliance with orders, on the part of the Birmingham arms trade, was, in great measure, if not entirely, attri-

butable to the conduct of successive Governments, and of the Boards of Ordnance, especially the conduct of the subordinates of the Ordnance Department, who had had the immediate direction of the trade. One of the principal causes of complaint on the part of the arms trade is, that, instead of availing themselves of the recent improvements in the manufacture of arms, by applying scientific examination to them for years past, as the French Governments, under all the vicissitudes to which they have been subject, have done, and then sending to Birmingham contracts extended over a sufficient period in peaceful times to keep the trade employed, the Board of Ordnance for years closed their eyes to these improvements, until, about two years since, they were startled from their sleep by the announcement that 10,000 of the French army were armed with Minié rifles, which are effective at 1,000 yards, instead of at 200 or 300, the effective range of the old musket; and then all of a sudden, having left the Birmingham trade almost without orders for a length of time, and having rejected all suggestions for the improvement of the arms, suddenly the Board of Ordnance send down contracts for arms of a kind never made before, limited to such short periods as to render it almost impossible at once to obtain the best hands to carry out this new plan, owing to their having sought other employments during the previous long abeyance of Government orders. But the great, the most recent, and the most aggravated impediment, thrown by the Ordnance in the way of the arms trade of Birmingham, has been, by the appointment of inspectors, determined to obstruct the completion of the Government contracts in Birmingham. Mr. Lovell, the father, was some years since appointed to manage the Enfield establishment; he seems to have done this with zeal and ability; he greatly improved the make of the old musket, but he was always jealous of the fact the Enfield could not turn out muskets so cheaply as Birmingham. Mr. Lovell had two sons, both of whom he brought up to the arms trade; he always wanted the Government to manufacture more largely for themselves, but failing in that, he sent one of his sons to set up in the arms trade at Liege, and he got the other appointed inspector at Birmingham. Of course the whole family became more interested in the success of the trade of Liege, where one of the brothers was manufacturing on his own account, than in the success of Birmingham; —

one of the first things he (Mr. Newdegate) heard of Mr. Lovell the younger, when Government inspector at Birmingham, with full liberty of access to all the Birmingham factories by virtue of his office, was, that an improvement in rolling barrels for muskets had been made in Birmingham, and that Mr. Lovell, Jun., used the opportunities of his office to procure patterns of the machinery, which was patented, and to send men from Birmingham to set up the like of it in Liege. So absolute was the power with which his office of inspector invested him, that the manufacturer and patentee dare not complain. Well, time rolled on, and he (Mr. Newdegate) heard many complaints of the injustice perpetrated by the rejection of good articles, and by other annoyances, to which this inspector subjected the trade. At last, just about the time that Lord Hardinge was appointed Master General of the Ordnance, Mr. Lovell's injustice grew to such a pitch, that he rejected sixty per cent of good barrels. The trade set a trap for the inspector; they put a private mark on the rejected barrels, cleaned them up, and sent them in again to the inspector with some others. On the second view, the inspector passed almost all those very barrels which he had previously rejected. This was made known to Lord Hardinge, and Mr. Lovell, Jun., was very soon after removed from the inspectorship of Birmingham. The trade rejoiced, but their satisfaction was not to be of long continuance; Lord Hardinge was unfortunately persuaded to remove Mr. Lovell, the father, from Enfield, and send him to Birmingham as successor to his son. From that hour the brief prospect of fair play for the trade of Birmingham waned; Mr. Lovell, the father, was certainly more competent than his son, but it was not owing to his incompetence that his son had failed to do justice to his employers, and to the trade of Birmingham. In 1851 and 1852, a contract for 23,000 Minié rifles was in course of completion at Birmingham, and delivery of them had commenced. Mr. Lovell, the father, had then been about six months in office, at Birmingham, when it was discovered that the sights had been placed crooked on the greater part of 23,000 rifled muskets—a more diabolical invention than supplying our troops with muskets made to shoot crooked, could, he thought, scarcely have been devised, if this was the result of design—or a grosser case of neglect, if it was an oversight. It was part of the duty of the inspector of small arms

*Mr. Newdegate*

to have the barrels marked for affixing the sights, and a very singular fact is, that, although Mr. Lovell, the father, had been some time in office at Birmingham, and was the inventor of a very effective machine to ascertain the straight-sighting of muskets, he never discovered, at all events was not the first to make known, this gross abuse; but more than this—the workmen, who were employed in Birmingham, are prepared to testify, that they told Mr. Lovell that in working to their marks on the barrels, as they (the inspectors) directed, they were sighting the muskets crooked, and were retorted upon by being told to mind their own business. Now this abuse may have commenced under the régime of the son Lovell, who was displaced, but it continued under that of the father Lovell who succeeded him; he (Mr. Newdegate) believed that Lord Hardinge was persuaded that the father had not been a party to originally crooked marking the barrels for sighting, but had simply failed to detect the mischief his son had set on foot. He (Mr. Newdegate) thought his Lordship mistaken, and, on the part of the trade, represented to his Lordship that they were convinced, if Mr. Lovell was continued at Birmingham, the trade would be prevented fulfilling their contracts, and it has been so. On the general ground of economy he was prepared to contend, that the attempt on the part of the Government to manufacture for themselves was extravagant, because they could not get the work done so cheaply as it can be procured through the exertions of the regular trade, stimulated by competition; and, further, he contended that the great improvements, which are likely to be made in the musket, did not originate at Enfield, but are the result of the mechanical knowledge, ingenuity, and enterprise of private individuals; and that, whether the House regard economy or the improvement of arms, it is inexpedient to transfer the supply to a Government establishment. He might be told, indeed, that there is some improvement in machinery, by which, in America, muskets can be produced ready-made, without, or almost without, the intervention of manual labour, or the superintendence of human intellect. He did not believe that rifled muskets, such as those now required by Government from the trade of Birmingham, could be produced almost exclusively by machinery, and he thought the House would do very wrong, were it to sanction a large expenditure for the purpose of trying the ex-



periment, which the erection of this machinery would involve, without appointing a committee to inquire into the feasibility of the scheme. But suppose it is true, that much may be done by machinery, what presumption was there that Birmingham cannot use such machinery to as good purpose as the Government? He should certainly vote for the postponement and inquiry proposed by his hon. Friend the Member for Birmingham.

VISCOUNT JOCELYN said, that the Committee could not forget that the hon. Gentleman who had just sat down and the hon. Member for Birmingham (Mr. Muntz) had, to a certain extent, been speaking, and fairly so, on behalf of the constituencies they represented. The question the Committee really had to consider was, how the service could be best supplied with arms. They had been told by the Clerk of the Ordnance of the great public inconvenience caused by the want of a sufficient supply of arms. He thought that gentleman was justified in making that statement, not only as regarded the necessity for a present supply, but also as to the past. He recollected that some few years ago a Committee sat and deliberated as to what arms should be given to the Rifle Brigade, and after the arms had been decided upon, it was nearly three years before they were supplied. The question was, whether they should combine the two establishments now in existence and form one establishment, by means of which the service would be better supplied. He considered the argument used by the hon. Gentleman as to the Government inspector being sent down to Birmingham was one of the strongest arguments that could be used in favour of the arms being manufactured in one establishment. He did not think that this would be injurious to the trade, for what the Birmingham manufacturers required was a stimulus, and when they could produce a better arm than the establishment proposed by Government, no doubt their proposals would be accepted. [*A laugh.*] Hon. Gentlemen might smile, but he believed that he was fully justified in saying that, if such a stimulus were given to private enterprise, it would cause manufacturers to produce a better article than the Government itself, so that eventually the Government would be able to get rid of the manufacture altogether. He certainly would be no party to refusing, at such a time as this, a Vote which Her Majesty's Government considered to be

necessary in order to enable them to provide efficient arms for their troops.

MR. MUNTZ said that, with regard to the question of the American gun to be made for 37s., he found that it could easily be made in this country for 28s. or 30s., and that it had no connection with the Minié rifle.

MR. GEACH said, he considered the proposition of the Government as an unjustifiable interference with private enterprise. Nothing could be more fallacious than to suppose that a Government establishment could be conducted with greater economy or efficiency than a private enterprise. It was really amusing to compare the manner in which the work was done in Government as compared with private establishments. As the hon. Gentleman the Clerk of the Ordnance had mentioned the name of a Gentleman on whose calculations they had depended, and as it was the same gentleman who had stated that private enterprise was unable to supply Government with arms, he could not help telling to the Committee a circumstance which occurred two months ago. At that time he was at the Society of Civil Engineers, when this gentleman, Mr. Anderton, came forward and warned them against extending the size of the ships, as beyond a certain size great difficulties would arise, and the ship would be rendered capable of carrying little else than its own fuel, and the speed would not be increased. It had been found, however, that the *Himalaya*, now employed in the conveyance of troops, was, although one of the largest ships ever built, one of the most efficient. So that, if they had had the same confidence in Mr. Anderton that the Government had, the improvements in shipbuilding would not have gone on to any extent. The hon. Gentleman spoke of the manufacture of guns by machinery; every one who knew anything at all about manufacturing by machinery knew that it was necessarily imperfect at first, and that they went on slowly and gradually improving. But Government required the article to be perfect at once, and yet be manufactured by machinery. Was it to be supposed that in a country like this, where the manufacture of arms had been carried on for so long a period, they could not rely upon private enterprise, but must have a Government establishment to make them safe? This was not, as he had said, a question of whether they should employ such and such gunmakers, but whether they should pay

extravagantly for the same description of article which gunmakers could furnish cheaply. Reference had been made to American machinery and to Colonel Colt; he gave great credit to Colonel Colt for his improvements, and was glad he had come to England. Private enterprise, conducted with skill and industry, was sure to succeed in this country, but the Government establishments had no profit or loss account whether they conducted matters well or ill, and if the present proposition were agreed to, they would hear nothing of difficulty or expense in the process of manufacturing. Had the Government exhausted all the means which existed in this country for the supply of arms, then, indeed, they might come forward to ask for public money for the purpose of constructing a manufactory which would compete with private enterprise; but they had not exhausted the means which already existed, for he ventured to say that, if any merchant received at the present time an order for a stand of 10,000 arms, of equal quality to those which the Government required, they would find a means of getting supplied, while the Government by its false system would not. He hoped the Committee would not consent to the proposition made by Government.

MR. MONSELL said, he thought the hon. Member who had just sat down had, in several particulars, greatly misrepresented the proposal he had had the honour to make to the House. In the first instance, he had spoken of a Mr. Anderton, with whom he (Mr. Monsell) had nothing to do—the gentleman he spoke of being Mr. Anderson. Then the hon. Gentleman had said, if the Government made this establishment, they would go on well or ill, as the case might be, without at all troubling their head about difficulties or expense. The hon. Gentleman was not justified in forming any such conclusion; he must have forgotten that he (Mr. Monsell) had had, on a former occasion, the honour of submitting to the House a proposition for the improvement of the carriage department. Did that show any great self-laudation or reliance upon their own powers? On the contrary, did it not show that they were animated by a desire for improvement, and did not the present proposal evince the wish of the Government to proceed in the best and, at the same time, the cheapest manner? On that latter point no hon. Member who had spoken had addressed

*Geach*

one word to the Committee. The hon. Member for Birmingham (Mr. Muntz) had, indeed, asked him whether the musket proposed to be manufactured in the Government establishment, was the American rifle, and whether that was the Minié rifle or not. To that question he said, he did not know; but he knew that it was a very admirable rifle, and very celebrated for its range and execution. But the hon. Member had altogether misconceived the statement he (Mr. Monsell) made, if he imagined he rested his case on the American rifle costing the Government only 30s. He had stated in the most minute manner, that the calculations which had been made led them to imagine that their musket would be manufactured for 30s., and that that musket would be as good or better than the musket for which they now paid more than 3l. If that were the case, surely the hon. Gentleman could not maintain that there were any public grounds for resisting the proposition made to the House. At present they had an enormous demand made upon them for arms, and, having the necessity imposed upon them of supplying that demand with the least possible delay, if they could show the Committee that, by providing for it in the way they suggested, they could save some 70,000l. or 80,000l. of the public money, the Committee would have had very good grounds for finding fault with the Government if they had not made the proposition, and would show great neglect of the interest of the country if they did not support it. As to the observations which were made by the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate), he believed a similar statement had been made to Lord Hardinge, when Master General of the Ordnance, and was well considered by his Lordship, who did not arrive at the same conclusion. It was beside the question, and a strong argument in favour of the proposition, showing, as it did, how difficult it was to make the system of manufacturing in different parts, and then getting a viewer to have it set up perfect. On this subject he referred hon. Gentlemen to the report of Mr. Whitwill, of Springfield establishment, in America. But he would call the attention of the Committee again to the fact with which he commenced—that this was not merely a question of getting the best arm, or getting the best arm in the shortest time, but a question involving material financial considerations. By the course they proposed,

they would save a large sum of money to the country, and the arm that would be produced would be much better than the one now produced at Birmingham.

LORD SEYMOUR said, he considered the question one of great importance, and he was sorry to see it prejudiced by being brought forward as a local question relating to Birmingham. The question of Government manufactories and Government manufactures had frequently come under the consideration of Committees of that House, especially on the Navy and Ordnance Estimates. The opinion, he believed, of several members of the Cabinet, which was coincided in by general opinion, was, that Government manufactories were not advisable. It might be well to have a small manufactory, as some check upon the private producer, but nothing more—the general system should be that of contract. As to cheapness in Government establishments, he asked, was there any man in that House who believed in it? Would any member of the Cabinet get up and say he believed Government manufactures were cheap? They might get up an article so as to be certain of its quality, but they would have to pay a great deal more to get it up in that manner. But what did the Clerk of the Ordnance tell them to do? To establish a large factory to supply the whole of the muskets for the use of the Government. They were told it was always for the interest of the Government and the nation to produce largely, and, accordingly, they were to make an immense number of muskets in the one year. These muskets were now required, but that number would not always be wanted; and how were they to reduce the establishment, for they well knew if machinery was not constantly at full work, the production of the article was carried on at great loss? Having once established this manufactory, that very circumstance would be used as an argument why they should continue to keep it in work and make an immense stock. Thus, they would be involved in enormous expense, without having any adequate use for the articles produced. It was for the present war these muskets were required, and he wanted to know if this proposition were granted, how soon this establishment would be at work? Would it be eighteen months or two years? And would the Clerk of the Ordnance guarantee that they should produce 50,000 muskets in that time? They were told that

new discoveries and new improvements were being made with wonderful rapidity, and he doubted whether, by the time the proposed establishment had got into proper working condition, the improvements in the general manufacture would not place them in a very disadvantageous position. He would, therefore, recommend the Government to postpone this Vote for a time. If there was a refusal on the part of manufacturers to work fairly, or if they attempted to make unfair terms with the Government, let them be told that the House of Commons would furnish all the money that was necessary, but would not heedlessly run into unnecessary expenses.

COLONEL BOLDERO said, he would recommend the Government to adopt the same system with regard to the manufactory of small arms as was adopted with regard to the manufactory of gunpowder. The inspector of that department had told him in 1842 that 20,000 barrels of gunpowder would be required in the year, but, instead of inserting an item in the Ordnance Estimates and increasing the amount supplied from the Government manufactory, he had only obtained 10,000 or 12,000 barrels from the manufactory, and had distributed the remainder of the amount required among the various firms of gunpowder manufacturers in the neighbourhood of London. By allowing those manufacturers to supply 2,000 or 3,000 barrels each a year, they were able to keep up their establishments, and employ a good body of workmen; and upon an emergency such as this, they could thus supply any quantity that might be required; whereas if the Government had supplied the whole of the amount themselves, the manufacturers would, as he had been told by a friend of his who was a manufacturer, require eight or ten months before they would be in a position to assist the Government. There might be good reasons for the contemplated removal of the gunpowder manufactory, although he could not understand why that removal was necessary, as, in his opinion, our present gunpowder establishment was as perfect as it could be; but, wherever they established themselves, he hoped they would adopt his suggestion as to not manufacturing the whole of the gunpowder required in their own establishments. The gunpowder manufacturers were intelligent, honourable men, who would give every assistance they could

to the Government, and he had no doubt that was also the case with the manufacturers of Birmingham.

THE CHANCELLOR OF THE EXCHEQUER said, that, notwithstanding the natural impatience of the Committee at that late hour (ten minutes after twelve), he trusted they would permit him to address a few words to them upon a question of such interest as that which was now under their consideration, for although this was a Vote in the Ordnance Estimates, for which his hon. Friend (Mr. Monsell) was primarily responsible, yet, as the person immediately charged with the care of the finances of the country, he should feel himself deeply culpable if he permitted a Vote of this nature, for such a sum, and at such a period, to be proposed to the Committee without having given it the fullest consideration, and entirely satisfied himself as to its propriety. Therefore, trusting to the patience and impartiality of the Committee, he would state generally the grounds on which the Government made this proposition. At the same time he admitted, at the outset, that there was great difficulty, considering the novelty of the proposal and the strength and activity of the interests which it had aroused, in conveying to the mind of the Committee with clearness those points of detail on which the question in great part really turned. The motives which had induced the Government to adopt the proposal of the Ordnance Department were these:—In the first place, the extreme dearness of the arm which was at present furnished to the forces; in the next place, the slowness with which that arm was prepared; and, in the third place, the inferiority consequent upon the present mode of manufacture. In the first place, with regard to its dearness. It cost 3*l.*, whereas the cost of the rifle musket used in America was only 1*l.* 17*s.* [*Expressions of dissent.*] Hon. Gentlemen cried down the quality of American arms; but, as far as general opinion went, he did not think they would be supported in the sentiments they had expressed. He thought the lesson they had received from Colonel Colt, a private American gentleman, who had shown England how to work in metals—that branch of trade with which we were beyond all others acquainted—was a pretty good example of, at least, the non-inferiority of American rifles. It was said by the noble Lord behind him (Lord Seymour), amid loud cheers, that the Government ought not to be manufacturers,

and in those cheers he was perfectly prepared to join. He granted at once that the *prima facie* case was against the Government being manufacturers, and it was with that impression that he himself had looked into the facts of the case. He was not very certain with respect to the propriety of all the manufactures now carried on by the Government, but there were at the same time certain cases in which the Government ought to be manufacturers, and in which no one denied that they ought to be manufacturers. No one denied that it was proper for the Government to continue its manufactory of gunpowder. It had been stated to him upon good authority that that manufactory had saved the country not less a sum than 500,000*l.* No one denied that Government ought to continue to be the manufacturer of its ammunition generally. No one objected to that. On what principle, then, was there a distinction drawn between certain articles of which it ought and other articles of which it ought not to be the manufacturer? The distinction obviously depended on the particularities and specialties of each case, and therefore, if they meant to settle the question on principle and on public duty, not on class interests, it was not to be settled by general *dicta* about the impropriety of Government being manufacturers, but by a careful examination of the particular merits of the case. What was the case in the present instance with regard to cost? The musket now cost 3*l.*, and the Ordnance Department assure the Committee that our musket can be manufactured for 30*s.* But economy was not the only question. What was the case with regard to the rapidity of the manufacture? What said the Ordnance Department? It had ordered tenders to be sent in for 2,000 carbines on an improved plan to be ready by the 1st of March last, and not one of those carbines had yet been received into the stores. What was the case with regard to the certainty of the manufacture? It was this; the Committee were discussing the finest instrument that could be made, and which required in its manufacture the most rigid and minute precision. So great, indeed, was that precision that it was impossible to attain to it without having recourse to machinery. What had they been told that night? That the inspector of small arms in Birmingham, even although he was minute and critical in a fastidious degree, blundered as a viewer of arms. The hon.



Gentleman (Mr. Newdegate) seemed to think that this must be ascribed to some purpose on the part of the public officer, who, as he (the Chancellor of the Exchequer) believed, had acted only from an error of judgment; but it proved to him the extreme difficulty, not to say impossibility, of judging by the eye with regard to the quality of a rifle. What, then, was really the nature of the present case? It was a question of whether they would continue to have guns made for Her Majesty's forces by the old and obsolete process of hand labour, or whether they would apply to this description of articles that which they had applied to every other description of articles, and would bring to bear upon it the force and economy of machinery? It was not at all a question about monopoly on the part of gun manufacturers or of extravagant profits, and he would make no accusation against them, of having entered into a combination, for he had no evidence to support it; but it was a question between superior and inferior processes, between labour and machinery. But the hon. Member for North Warwickshire admitted that machinery was employed in America for the manufacture of arms, while he said that hand labour was all that was necessary in this country.

MR. NEWDEGATE said, he never stated that machinery was superior to hand labour in the manufacture of firearms.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member had stated that, in point of fact, machinery had been employed for the manufacturing of arms in America, while the arms of Her Majesty's forces were made by hand labour, and the question was whether they would continue to employ hand labour or take to machinery? He (the Chancellor of the Exchequer) said that they ought to employ machinery. It was said that they might trust to the resources of private trade, but that statement could be met both by argument and by experience. In former wars this country, it was well known, had been unable to obtain a sufficient supply of arms, and we were obliged to go to the manufacturers of Liege and other places for muskets to put in the hands of our soldiers. [AN HON. MEMBER: When?] The hon. Member never heard of it, but the thing occurred in the last war; it was a well-known fact, and the Ordnance Department could furnish the particulars of the transaction. It was a question of economy, therefore, whether we should have

cheap instead of dear arms—whether arms should be rapidly made—whether they should be equally and precisely made by the unerring operation of machinery, or whether their production should be dependent on the uncertain and fluctuating application of the human hand and eye. As regarded economy, the result was most remarkable. Until he investigated the subject, he did not believe that, in a matter so comparatively small, it would be possible to realise a saving of from 800,000*l.* to 900,000*l.*; but that was the case as it stood on the positive estimate of what we were now paying and what we would have to pay, without taking into account the stock which it was necessary to keep in hand under the existing system. The noble Lord behind him (Lord Seymour) had asked whether the Government were making provision for future years. They were making provision he was sorry to say, for the war now gathering around us. The noble Lord asked when the factory would be in operation. It would be in operation within twelve months, and the Government expected to obtain in the course of next year a full supply of arms. If the Government and the Ordnance Department merited censure, it was not for having made this proposition now, but for not having made it at an earlier period. The noble Lord condemned this plan, because he said it would necessitate the bringing together a large number of workmen, and he wanted to know what was to become of them when the demand for their labour, which was of an uncertain character, should slacken or cease altogether. Now he entreated the attention of the Committee to the answer he was about to give on this point, which was, in fact, the kernel of the whole case. The hon. Member for North Warwickshire (Mr. Newdegate) said it was a necessary ingredient in a fair contract that the demand should be continuous and equal. Now what security for continuity and equality could there be in the demand for arms? Let the House of Commons, whose duty it was to economise the public money, answer the question. In order to enable a private firm to fulfil a contract, must the Government undertake to keep up a war supply of arms in time of peace? The House of Commons, he apprehended, would say no. It was necessary to have the power of sudden expansion and rapid manufacture in emergencies, and those were the objects of the present proposition. Without the power

of expansion, and without the power of producing with certainty a large amount of arms, we should be compelled to go on pottering with the private trade, and fail to obtain the supply we wanted, as had happened with the 2,000 carbines to which he had already referred. Was it necessary, because the Government would lay out a sum of money on machinery, that they should maintain a large staff of workmen? On the contrary. While we depended on hand labour, it was necessary to maintain a large number of skilled workmen, but by adopting machinery the case would be entirely changed. Then, instead of requiring 90 per cent of skilled labour, and 10 per cent of unskilled labour, we should require only 10 per cent of skilled to 90 per cent of unskilled labour. The Government, therefore, would maintain the small staff of skilled labour at all times, and when a time of emergency should arrive they could at once obtain unskilled labour and produce an unlimited supply of arms. It was not to depress the private trade that at such a moment the Government invited the House of Commons to undertake such an enterprise. Unless they had been well convinced it was important to the public interests, they would not have gone into such a proposal. They would not have gone into it unless they had been well convinced it would lead to an immense saving of the public money; above all, for higher objects than the saving of money—that it was material to the discharge of their duties in this emergency that they should put the country, not into a tolerable condition, but into the best possible condition with respect to the supply of arms. He hoped the House of Commons would not refuse to back the Government in the performance of that duty to the country; but, on the contrary, that they would assist the Government when they came to give a decisive vote in establishing the means to supply the country with superior arms at a lower price and with far greater certainty and rapidity than under the precarious and inconvenient system on which they were now dependent. One sentence more, and it would, perhaps, tend to shorten this debate. He had now stated the material considerations for agreeing to this proposition, but at the commencement he had allowed that, in the case of a novel proposition, it was hardly fair to invite the assent of the Committee, without giving some means of acquiring further knowledge. He could not dispense with the

*The Chancellor of the Exchequer*

discharge of that duty, because he was most unwilling to evade the responsibility which certainly belonged to him as Minister of Finance with respect to the proposal, but he had no disposition to avoid any inquiry which the House of Commons might think fit to make. He would, therefore, explain what would be perfectly agreeable to the Government, provided it meet the views of the Committee. If the Committee thought fit to postpone this Vote for four weeks, with a view to the immediate appointment of a Committee—which Committee, sitting from day to day, should conduct its investigation into the whole question to a close in that period—to that proposal the Government would freely and readily assent. But, at the same time, he wished it to be understood that, not at all on account of any pertinacity in their own opinions, but on account of carrying forward the plan efficaciously, the Government did not propose to relax those preliminary and preparatory proceedings in which they were engaged; they would continue them on their own responsibility during the period the Committee was sitting, and leave the House of Commons to exercise its judgment freely when the result of that inquiry was made known.

Mr. MUNTZ said, that the right hon. Gentleman had made a very ingenious speech, as he always did when called to the rescue of his colleagues, and at the same time had shown he knew nothing about machinery. ["Oh, oh!"] It was very easy to say "oh, oh!" but what did the hon. Member know about it? The right hon. Gentleman the Chancellor of the Exchequer said it was a question between machinery and hand labour. It was no such thing. Did any of them know what a good fowling-piece was? And yet not one fowling-piece in England was made by machinery. It was a compound of hand labour and machinery, and that was the American scheme. The right hon. Gentleman seemed to think making guns was like spinning cotton—they put iron and wood into a "hopper" at one end, and they came out Minié rifles at the other. Let the right hon. Gentleman show them first that the American rifle was a rifle. He said it was a plain simple musket, and did not cost 28s. The right hon. Gentleman said here the private trade charges 3l. for a gun which the Americans make for 30s. Let the right hon. Gentleman prove the cost. What did he know about the cost of guns? He had it upon autho-

city. Upon what authority? The Clerk of the Ordnance. The fact was, it was all assumption. Because the Government had got hold of a very clever talking character, they thought, if they had a fine piece of machinery, they must have a complete gun, and a perfect gun, and it must be made for 30s. He knew that 30s. would be 50s., and instead of 100,000*l.*, the establishment would cost 500,000*l.* Let the right hon. Gentleman prove that the American gun was a rifle; that he could make the gun for 30s.; and that the establishment would not cost more than 100,000*l.* The right hon. Gentleman knew he was wrong, and he confessed at the outset all Government establishments were bad. He (Mr. Muntz) was not surprised at that admission, for it was just what he should have expected from a man of such acuteness as the right hon. Gentleman. He was sorry to oppose the Government; but he considered his proposition was a moderate one, and he could not see how the Government could reasonably object to it. His proposition was, to allow the manufacturers two months only to deliver any quantity of guns required. He should, therefore, press his Amendment.

THE CHANCELLOR OF THE EXCHEQUER said, he did not object to the Amendment. He would propose the Vote again that day month. The hon. Member had challenged him with having shown no great knowledge of the subject, and his statement that arms were purchased abroad during the late war was scoffed at. He had in his hand a Report of the Board of Ordnance on the subject; and after stating the number of arms in store in 1792, the Report went on to say, "This made it absolutely necessary to collect arms from every part, and to purchase them in foreign countries;" and no less than 219,000 stand of arms were so purchased in foreign countries, besides those of our own manufacture.

MR. APSLEY PELLATT said, he had observed that a great deal had been said about the trade of Birmingham, and he wished to say a few words with regard to that of London. There had been made in London, during the last ten years, no less than 584,376 small arms, which gave an average of something like 58,137 per

annum. There were 1,900 workmen, and eighteen houses, already engaged in the manufacture of small arms in London; and he understood that eight or ten of these houses had offered their services to the Government, but they had been rejected.

MR. SPOONER said, he would advise the hon. Member for Birmingham (Mr. Muntz) to consent to the proposition of the Chancellor of the Exchequer. At the same time he (Mr. Spooner) would suggest to the right hon. Gentleman that a month would scarcely afford sufficient time for an inquiry on this subject. The gunmakers said, "Tell us exactly what you want; tell us what time you will give us, and what price you will pay, and we will give you any security that we will manufacture arms as good and as speedily as you, the Government, can manufacture them yourselves. We can get our machinery cheaper and we can work it better than you can." The manufacturers, however, might not be able in a month to produce a fair sample of what they would be able to do if more time were allowed them. He had no hesitation in saying that if, upon inquiry, the gunmakers were unable to show that they could meet the exigencies of the case, there would not be one word of opposition from them to the proposal of the Government. He was satisfied that, if the Government threw themselves upon the private enterprise of the country, their demands would be fully met.

MR. MUNTZ said, he did not think that it was possible, even in two months, to prove the case of the manufacturers as it ought to be proved. He was ready, however, to agree to the suggestion of the Chancellor of the Exchequer, that a month should be taken for the inquiry.

LORD JOHN RUSSELL said, it was not intended to limit the sittings of the Committee by a single day; but he thought they should sit *de die in diem*, and that if due diligence were used they might complete their inquiry in a month.

Motion by leave *withdrawn*. The following Vote was then passed.

(21.) 539,552*l.*, Ordnance Stores.

House resumed.

The House adjourned at One o'clock.

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TO

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### VOLUME CXXX.

BEING THE FIRST VOLUME OF SESSION 1854.

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When in the Text or in the Index a Speech is marked thus \*, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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